HOW WE ARE GOVERNED

OR,

THE CROWN, THE SENATE, AND THE BENCH.

A Handbook

OF

THE CONSTITUTION, GOVERNMENT, LAWS, AND POWER OF GREAT BRITAIN.

BY

ALBANY DE FONBLANQUE.

THE THIRTEENTH EDITION,

REVISED TO PRESENT DATE AND CONSIDERABLY ENLARGED BY "A BARRISTER."

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TO

THE REV. JAMES IND WELLDON, D.C.L.,

LATE HEAD MASTER OF TONBRIDGE SCHOOL,

THIS BOOK

Is Dedicated with Gratitude

BY

HIS OLD PUPIL,

THE AUTHOR.

PREFACE

TO

THE THIRTEENTH EDITION.

An interval of seven years has elapsed since the publication of the Twelfth Edition of "How We are Governed." Important events have happened, and sweeping changes have been effected by the Legislature during that period; and it has been the anxious task of the present Editor, while preserving as far as possible the original design of the work, to make such alterations and additions as will render it useful and reliable as a source of practical information, and at the same time convey to the student a comprehensive knowledge of the fundamental principles of our system of government.

The whole has been carefully revised by reference to the best authorities, and from information derived from reliable sources; and every effort has been made to maintain the high position in the estimation of the public which "How We are Governed" has hitherto been fortunate enough to enjoy.

A BARRISTER.

The Temple,
May, 1879.

PREFACE

TO

THE TWELFTH EDITION.

SOON after the publication of the Second Edition of "HOW WE ARE GOVERNED" the Author accepted a foreign appointment, and was unable for a time to direct the alterations and additions which current legislation rendered necessary for the completeness of his Work.

This task was performed first by Mr. Holdsworth, and afterwards by Mr. Ewald, with great skill; and it is only because the Author is now able to resume his natural duty that the services of the latter gentleman in this respect have ceased.

Two entirely new chapters—OUR COLONIES AND REPRESENTATIVES ABROAD—have been added, and no pains or expense will be spared to keep the Book up to the time, and merit for it in the Future a continuance of the favour it has met with in the Past.

ALBANY DE FONBLANQUE.

NEW ORLEANS,
1*st July*, 1872.

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HOW WE ARE GOVERNED.

LETTER I.

Introduction—Purpose of this Work.

My dear ——, It is desirable that you should acquire some knowledge of the institutions under which you have the happiness to live; of the machinery by which the government of the country is conducted; and of the judicial tribunals by which obedience to the law is enforced.

That information I propose to impart to you in a series of Letters. I cannot of course enter very minutely into the details of so large a subject. For these I must refer you to other works; but I hope to be able to give you such an outline of our constitutional system as will not only be useful in itself, but will serve as an introduction to the more complete and careful study of this extensive and interesting field of inquiry.

I propose to trace the rise and growth of our mixed constitution; to point out the powers now possessed by the different estates of the realm; and to indicate the manner in which they fulfil their functions. I shall devote a Letter to the National Debt; and another to the not less important subject of that Local Self-Government, through which so much is done in England that is elsewhere the work of a highly centralized administration. The Church, the Army, and the Navy, will each receive due attention; and I shall describe, with as much fulness as my space will permit, the different courts of Law and Equity, and the methods of procedure in both civil and criminal cases.

You will thus, I trust, be placed in a position to understand the various political questions which you may hear

discussed around you, and to appreciate both the substantial merits and the slight defects of a system, which has been formed by the persevering and patriotic efforts of many generations of Englishmen, and under which the British empire has come to be what we see it to-day—the envy and admiration of less fortunate nations.

Your sincere friend,

A. DE F.

LETTER II.

THE CONSTITUTION.

The Origin of the British Constitution—Of Parliamentary Government—The Feudal System—Taxation of the Country—Origin of the Houses of Lords and Commons—Parliament—Rights of Englishmen—Freedom of the Press.

THIS Letter must be considered as a sort of introduction to those which follow; and in it I am obliged to depart from the rule of confining myself to treating of our institutions as they now exist for reasons which will you very soon perceive.

The "constitution" of a country is the established system under which its government is conducted. It is defined by Paley to be "so much of its law as relates to the designation and power of the legislature; the rights and functions of the several parts of the legislative body; the construction, office, and jurisdiction of courts of justice."

The origin of the British Constitution is hidden amidst the general obscurity which surrounds the early history of our ancestors. Harassed as they were by repeated invasions, and unsettled by consequent changes amongst their rulers, they have left us a very indistinct idea of the manner in which the business of their government was carried on. The principle, however, which guided it is clear; for from a period long before the union of the states of the Heptarchy under one crown, the sway of their princes was assisted, and in some measure controlled by assemblages of their people, which may be taken to be the origin of the parliaments of the present day.

These assemblages were known under various names. In Saxon, as the *Micel Gemôt* or *Great Meeting;* the *Micel Synód*, or *Great Council;* and the *Witena Gemôt*, or *Meeting of Wise Men.* After the consolidation of the seven kingdoms

the united council was called in Latin *Commune Concilium Regni*, "the Common Council of the Kingdom;" *Magnum Concilium Regis*, "the Great Council of the King;" *Curia Magna*, "the Great Court;" and in other languages by other similar designations, which I need not enumerate. The Witan chose the king, and the Witan could depose him. The laws were ordained and the taxes imposed by its authority. But although the Witan decreed the laws, it was the king who carried out their decrees. No important act of the king was valid without the assent of the Witan, which, together with the king, was thus made the supreme legislature and tribunal of the English kingdom. By an ordinance of Alfred the Great, it was commanded to assemble twice in the year at least, or oftener, according to the state of the country; and the laws which it passed were prefaced with a declaration that they were such as the king, with the advice of his clergy and wise men, had instituted. It was composed of Lords Spiritual and Temporal—namely, of Barons, who were summoned by virtue of their tenure as holding *in capite* of the king, and of bishops and heads of religious houses whose tenure was in chief of the crown. You will perceive hereafter how close a resemblance this ancient council bears to the modern parliament.

Shortly after the Norman Conquest, the *feudal system*, at that time in force throughout a great portion of Europe, was introduced into England by William the Norman; not, as is sometimes said, to enable him to reward his followers out of the spoils of a conquered country, but at the request of the Great Assembly of the Realm, in order that the kingdom might be put into a state of defence against a threatened invasion from Denmark. Once established, however, by the people for their protection against a foreign enemy, it was soon turned against them by those to whom they looked for protection into an engine of the grossest oppression. Under this feudal system (which, in its purity, was admirably adapted to an age in which war and conquest were the chief pursuits of mankind) the entire soil of a country was held to be the absolute property of its sovereign; and was divided into estates called *feuds* or *feofs*, and held of him by his chief men, called the *barons*, *vassals*, and *tenants in capite* of the Crown, upon the condition of their doing homage and swearing *fealty* (loyalty) to him, and attending him in his wars at the head of a certain number of armed men. To obtain

these they in turn had to distribute land, and also to let out their own estates for cultivation in their absence, whilst performing their services, receiving *rent* (called in those days *reddítus*, or a return) in the shape of corn and provisions to support them and their followers upon their campaigns. The relationship thus created was known as that of *lord* and *vassal*. Every vassal was bound to defend and obey his immediate lord, according to the terms under which he held his land, but no further. On his part the lord was bound to protect his vassals, and to do justice between them.

At first these *feuds* were held only during the will of the lord; they could not be transferred or disposed of by those who held them during their lives, nor did they descend to their heirs at their death. Those persons only who were capable of bearing arms, and were chosen by the lord, could succeed to them. Infants, women, and monks were therefore excluded as a matter of course. Subsequently the heirs of a deceased tenant were permitted to share his lands amongst them upon payment of what was called a *fine*, or present of armour, horses, or money to the lord. But the division of authority this occasioned was found to weaken the defences of the country; and it became the general rule to admit one heir only, in some parts the eldest, in others the youngest son of the deceased, or some other male relative capable of taking upon himself the conditions of the feud. Gradually, as intelligence and wealth began to increase, and other arts than those of war to be followed, these feuds became the absolute property of their tenants—no longer *vassals* liable to be dispossessed at any moment at the mere caprice of the lord, but *freeholders* of the soil, possessing power to sell or bequeath it as they pleased, subject only to certain rules of law.

The changes which in a few lines I have thus narrated to you took many eventful years to accomplish. Our sturdy forefathers grappled manfully with the iron yoke to which they had unwittingly subjected themselves, and slowly, but surely, regained the freedom which had been enjoyed under their old Saxon rulers. Their kings frequently required, for furthering their ambition or ministering to their pleasure, larger sums and greater services than the feudal system could provide; and, as it was a mixed principle in this country, in its earliest days and under its most despotic rulers, that no man should be taxed without his own con-

sent or that of his representative, the Great Council of the nation—the successors of the *Witena Gemôt*—had to be summoned to grant what was required. Seldom did it do so without obtaining in return the abolition of some abuse, or the restoration of some privilege as the price of its concessions.

For a considerable time this council consisted of all the king's *barons*, or those who held estates immediately of the Crown; but its constitution was regulated by Magna Charta, which ordained that all archbishops, bishops, abbots, earls, and greater barons should be summoned to Parliament severally by the king's letters. Thus what we now call the House of Lords was established.

In times of peace the great barons resided in castles scattered throughout the country, in which they held almost regal state and exercised almost royal powers. The lower orders flocked beneath their battlements for protection against robbers and the followers of other lords hostile to their own; for these barons were a lawless, turbulent race, and often at open war with each other. Thus, in many places, as population increased, towns were formed. There are few old cities and towns in England in the midst of which you will not see the ruins of some castle or fortress frowning from an eminence, or guarding the banks of a river; and round its crumbling walls are sure to be found the oldest houses in the place. As arts, commerce, and trade began to take root and flourish, the inhabitants of some of these settlements became so enriched as to be able to purchase great privileges of their immediate lords, and of the king, which rendered them independent communities. Soon, therefore, owing to the old principle which I have mentioned, it became necessary to summon some of their members to the Great Council, not as barons, but as *citizens* and *burgesses*. For similar reasons the freeholders, whose progress from a state of servitude I have already sketched, had to be represented by *knights of the shire*, elected from among themselves, to enable the king to collect revenue from their rich brethren. The exact date at which our Constitution took this shape is the subject of much doubt; but it is certain that in the reign of Henry III., or about the year 1265, Simon de Montford, Earl of Leicester, and the king's minister, issued writs directing the election of two knights for every county, two citizens for every city, and two bur-

gesses for every borough, to serve in the Grand Council of the kingdom.

In the reign of Edward I. was passed the famous statute that no tax should be levied without the joint consent of Lords and Commons. In that of Edward III. the laws were declared to be made with the consent of the "commonalty," which by a Royal Charter is thus acknowledged as an "estate of the realm;" and subsequently by a statute passed in the twenty-fifth year of the reign of the same monarch it was declared "that no taleage or aid shall be taken without the goodwill and consent of the archbishops, earls, barons, knights, burgesses, and *other freemen of the land*." I have quoted this to show from what classes the consent was to be obtained; the principle which it confirms is, as I have said, of much older date. Thus was the power of the Commons acknowledged as a governing body in the State.

It was some time before the Lords and the Commons were placed apart in separate chambers, and made distinct councils, each guided by rules, and performing duties, of its own, as we now find them. At first they sat together in one assembly; and although the laws that they made applied to the kingdom at large, each body taxed itself, and had no voice in fixing what should be paid by the other. The taxation of the country is now entirely managed by the House of Commons.

For many years Parliament was made use of by our kings as a mere instrument for taxing the people. It was called together when money was wanted, and dissolved as soon as the requisite supplies were granted. Sometimes it refused to fill the king's purse until some harsh usage was repealed, some old custom restored, or the royal assent given to some new law; but many generations passed away before it began to make and alter the laws as part of its regular duties.

I have followed the progress of parliamentary government so far, to account to you for the shape in which we now find it, not to supply a history of its rise. I will now give you a brief summary of the rights and privileges which during the periods that I have passed over, our forefathers won for us, and which we now enjoy. They were won by patient, but persistent opposition to royal despotism, and by the tenacity with which we clung to the Common Law of the

land, and the principles of government which prevailed previous to the Norman Conquest. Thus, *Magna Charta*, which is sometimes spoken of as an act which *created* rights and liberty, for the most part merely recognized and enforced liberties and rights which had previously existed. The same thing with the *Bill of Rights*.

Every subject of the United Kingdom is born free. He cannot be sold as a slave; neither can he be put to death, banished, removed, or imprisoned, except by the judgment of a court of justice. He has a right to live in his country wherever he pleases, and to leave it when he chooses. His property cannot be interfered with except by operation of law. He may petition the sovereign, or Parliament. He may appeal to the law, and its remedies cannot be denied to him. By the famous statute, called the "Habeas Corpus Act," any person who is imprisoned or kept under improper control may obtain a writ which entitles him to be taken into open court, there to learn the reason of his imprisonment or detention; and if he can show that he is improperly deprived of his liberty, he is entitled to be discharged from custody. Under the equally famous Bill of Rights (passed shortly after the accession of William and Mary to the throne vacated by James II.), the authority of Parliament and the freedom of the subject is confirmed in the following terms. It is declared—

1. That the pretended power of suspending laws, or the execution of laws, by regal authority, without consent of Parliament, is illegal.

2. That the pretended power of dispensing with laws, or the execution of laws, by regal authority, as it hath been assumed and exercised of late, is illegal.

3. That the commission for erecting the late Court of Commissioners for Ecclesiastical Causes (the Court of High Commission, founded by James II.), and all other commissions or courts of like nature, are illegal and pernicious.

4. That levying money for, or to the use of the Crown, by pretence of prerogative without grant of Parliament, for longer time or other manner than the same is or shall be granted, is illegal.

5. That it is the right of the subject to petition the king; and all commitments and prosecutions for such petitioning are illegal.

6. That the raising or keeping a standing army within the kingdom, in the time of peace, unless it be with consent of Parliament, is against law.

7. That subjects which are Protestants may have arms for their defence suitable to their conditions, and as allowed by law. (This section now extends to all denominations of her Majesty's subjects, the oppressive laws relating to the Roman Catholics having been repealed.)

8. That election of members of Parliament ought to be free.

9. That the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament.

10. That excessive bail ought not to be required, nor excessive fines, nor cruel and unusual punishments inflicted.

11. That jurors ought to be duly impannelled and returned; and jurors who pass judgment upon men in trials for high treason, ought to be freeholders.

12. That all grants and promises of fines and forfeitures of particular persons before trial are illegal and void.

13. That, for redress of all grievances, and for the amending, strengthening, and preserving of the laws, parliaments ought to be held frequently.

No mention of the freedom of the press is made in this celebrated declaration. Our press is now absolutely free; no permission is required for the publication of any news, or any comments upon it. The conduct of the highest in the land may be praised or censured as their merits deserve—care only must be taken that no untrue or malicious statements are made, by means of which public peace and morality, or private character may suffer; but even when such are put forward, they cannot be suppressed by any arbitrary exercise of authority. Like every other wrong, they must be submitted to a court of law, and by the judgment of a court of law alone can their authors be punished.

"To submit the press," says Blackstone, in his 'Commentary upon the Law of England,' "to the restrictive power of a licenser, as was formerly done both before and since the Revolution (and is now done in almost every continental State), is to subject all freedom of sentiment to the prejudices of one man, and to make him the arbitrary, infallible judge of all controverted points in learning, religion,

and government. But to punish (as the law does at present) any dangerous or offensive writings which, when published, should, on fair and impartial trial, be adjudged of a pernicious tendency, is necessary for the preservation of peace and good order, of government and religion, the only solid foundations of civil liberty."

My reason for introducing this important subject in this Letter may be gathered from the celebrated words of Mr. Canning, who said that, "He who, speculating on the British Constitution, should omit from his enumeration the mighty power of public opinion embodied in a free press, which pervades and checks, and perhaps in the last resort nearly governs the whole, would give but an imperfect view of the government of England."

LETTER III.

THE QUEEN.

The Three Estates of the Realm—Duties of Government—The Royal Office—Succession to the Throne—The Royal Prerogative—The Ministry—Style and Titles of the Queen—The Revenue—The Civil List—The Royal Family—Royal Marriage Act.

HAVING now laid the foundation of my subject, I shall proceed to show you how this country is governed at the present day.

The United Kingdom of Great Britain and Ireland is governed by its King or Queen and two Houses of Parliament. These are commonly known as the "*Three Estates of the Realm;*" but this phrase properly applies to the three classes of which Parliament is composed—viz., the Lords Spiritual, the Lords Temporal, and the Commons.

The duties of government are to make, and put in force, the laws of the country for its own people as subjects, and to represent them as a nation in their dealings with foreign powers. The first of these duties—*the making* of the law—is performed by the three estates conjointly; the remainder belonging to the sovereign alone. I shall devote a letter to each of the three Estates, and in this will tell you of

THE SOVEREIGN.

There is no difference between the power exercised by a king and a queen in this country. Their office is hereditary, passing upon the death of the sovereign to the next heir—males, in the same degree of relationship, being preferred to females: thus the youngest son of the present sovereign would inherit the throne to the exclusion of her eldest daughter, but any daughter would stand in the order of succession before an uncle, a nephew, or a male cousin.

The succession to the throne of the United Kingdom of

Great Britain and Ireland was regulated in the commencement of the reign of William III. by an Act of Parliament called the "Act of Settlement," by which the Roman Catholic branch of the family of the Stuarts was formally excluded from the succession. By this Act, the sovereign power was limited to the heirs of the Princess Sophia of Brunswick (the granddaughter of James I.), being Protestants. Upon the death of Queen Anne, the son of this princess, King George I., became king. He was succeeded by his son, George II. From him the crown descended to his grandson, George III., and from him to his son, George IV.; who, dying without issue surviving, was succeeded by his brother, William IV.; upon whose death, having left no children, the daughter of his next younger brother, the Duke of Kent, her present most gracious Majesty Queen Alexandrina Victoria, ascended the throne.

The crown of these kingdoms can only be worn by a Protestant. Should the king or queen marry a Roman Catholic, it is forfeited from that moment. Nor can any member of the Royal Family, who is married to a Roman Catholic, ascend the throne.

The person of the sovereign is sacred; she is above the law; no act of Parliament can bind her, unless it contain express words to that effect. It is also a maxim of the law that she can do no wrong; she is not responsible for the commission of any act, and no omission on her part can be taken advantage of; she possesses the power of pardon and of mercy towards criminals; she is the fountain of justice and of honour; from her all titles of nobility and honourable distinctions spring; all military and civil rewards and decorations, such as orders of knighthood, crosses, stars, and medals for meritorious services, are in her gift, and no subject may wear or assume one granted by a foreign prince without her licence. All commissions to officers in the army and navy are granted, although they are not now signed, by her; she has the power of proroguing Parliament—that is, putting an end to its sittings for a time, and of dissolving it and convoking a new one in its place; she is the supreme head of the State, the Church, the Army, and the Navy; she has the power of sending and receiving ambassadors, of declaring war and making peace, of arranging treaties, and coining money for the use of her subjects; she may refuse her assent to laws passed by the two Houses of Parliament,

but has no direct voice in discussing them, speaking only through her ministers.

These, and other rights, are called the *prerogatives of the Crown*.

Under the British Constitution the sovereign must govern through her ministers, who are responsible to Parliament and the country for her political acts, which are always presumed to be done by their advice. No ministry is able to carry on the business of the country for more than a very short time, unless it can obtain the assent of Parliament to its proceedings. Of late years the great political questions, upon which the formation and existence of ministries have depended, have been discussed and settled in the House of Commons. This Estate of the realm being elected by the people, you will perceive that the ministry, although *nominally* appointed by the Crown, is *actually* chosen by the country. Should the ministry or Parliament attempt to interfere improperly with the royal prerogative, the sovereign can dismiss the one, and dissolve the other. Should a faction in Parliament oppose the ministry in doing what they and the queen consider to be for the welfare and honour of the country, the opinion of all classes can be taken by summoning a new Parliament. Should the Crown and the ministry set themselves against Parliament and the people, the former, by refusing to grant supplies for the public service, could secure the dismissal of the obnoxious advisers. Thus a balance of power is preserved between the Estates of the realm, which prevents any of them from infringing the rights of the others, and makes the people of this country the happiest, the freest, and at the same time the most loyal nation under the sun.

By an act of Parliament, passed at the time of the union of Great Britain and Ireland (1800), it was provided that after such union the royal style and titles, appertaining to the Imperial Crown of the United Kingdom and its dependencies, should be *such as the Crown should appoint* by Royal Proclamation. The style and titles of Her Majesty at the commencement of her reign were—"Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith."

But in 1876 an act was passed to enable the Queen, in recognition of the transfer of the Government of India to the Crown (1859), to make certain additions to the style and titles appertaining to the Imperial Crown of the United

Kingdom, and on January 1st, 1877, at a great assembly of the Princes and high dignitaries of India, at Delhi, the Queen was proclaimed "Empress of India."

In former times, the taxes which were granted by Parliament were handed over to the king, to be expended by him in maintaining his state, and for keeping up the military and naval services. He had also estates in various parts of the country called the *crown lands*, the rents and profits of which were paid into his treasury. The *revenue*, or annual income of the country derived from the taxes imposed by Parliament and the income from these estates (with the exception of the Duchy of Lancaster, which belongs to her Majesty, not as Queen of England, but as Duchess of Lancaster), is now collected into one fund called the *Consolidated Fund*. The first charge upon this fund is the payment of interest upon the national debt called the *funds*, and upon the *unfunded debt*. The origin and progress of the national debt is so important and interesting a subject, that I shall devote to it a future Letter.

The next charge upon the Consolidated Fund brings me back to the subject which I have quitted for a moment. It is an allowance called the *civil list*, apportioned to the Queen for the support of her household and the dignity of her crown. This was fixed by the statute 1st Victoria, cap. 2, at 385,000*l.*, to be paid annually, and appropriated as follows: Her Majesty's privy purse, 60,000*l.*; salaries of her Majesty's household and retired allowances, 131,260*l.*; expenses of her Majesty's household, 172,500*l.*; royal bounty, alms, and special services, 13,200*l.*; pensions, 1,200*l.*; and unappropriated monies, 8,040*l.* On the Consolidated Fund are likewise charged the following sums, allowed to members of the royal family, namely—25,000*l.* a year to the Duke of Edinburgh; 25,000*l.* to the Duke of Connaught; 15,000*l.* to Prince Leopold; 8,000*l.* to Princess Frederick William of Prussia (the Princess Royal of England); 6,000*l.* each to Princess (Helena) Christian of Schleswig-Holstein, Princess Louise, Marchioness of Lorne, and the Duchess of Cambridge; 3000*l.* to her daughter, the Grand Duchess of Mecklenburg-Strelitz; 5000*l.* to the Princess Mary, Duchess of Teck (formerly Princess Mary of Cambridge), and 12,000*l.* to the Duke of Cambridge. A dowry of 30,000*l.* was granted by Parliament to the late Princess Alice on her marriage, also an annuity of 6,000*l.* for life. The Prince of Wales has

an annuity of 40,000*l.* payable out of the Consolidated Fund, settled upon him. He has also the revenues of the Duchy of Cornwall, which now yield a net income of upwards of 65,000*l.* a year, with every prospect of their increasing. The Princess of Wales has settled upon her by Parliament the annual sum of 10,000*l.*, to be increased to 30,000*l.* in case of widowhood. The sum for carrying on the civil government, including the salaries of the ministers of state, judges, and others, is also charged upon the Consolidated Fund, the remainder of which is paid into the Exchequer, for the public service, to defray the expenses of our Army, Navy, Civil Service, &c., &c.

The income now granted by Parliament to the Queen and charged on the Consolidated Fund is considerably less than has been enjoyed by Sovereigns of this country since the time of the Stuarts. Soon after the Restoration the income of the Crown derived from the excise and customs duties, the revenues of the post-office, of crown lands, and from other sources, amounted to 1,200,000*l.* Out of this sum, it is true, the king was bound to provide for the defence of the realm in time of peace, as well as for the expenses of government. But large additional grants were made from time to time by Parliament to meet extraordinary expenses.

After the Revolution of 1688 Parliament, in consideration of the services rendered to the country by William III., granted an annual sum of 700,000*l.* for the support of the *Civil List*. The expenditure, however, considerably exceeded this amount, and Geo. IV. enjoyed an income of 900,000*l.* granted by Parliament in addition to his income derived from other sources, over which Parliament had no control.

It was not until the time of William IV. that Parliament obtained control over what are termed the hereditary revenues of the Crown, all of which, together with other sources of income, are now surrendered to the control of Parliament. And, as I have already pointed out, the income of her Majesty, Queen Victoria, is now fixed at 385,000*l.*, and independent annuities are granted by Parliament to children of the Royal House.

The additional allowances thus granted by Parliament to the Prince and Princess of Wales and other members of the Royal Family, amount to an annual charge of 156,000*l.*, and when it is remembered that the crown lands alone surrendered to Parliament yield an annual income of nearly

380,000*l.*, it will be evident that the charge upon the nation for the support of the dignity of Royalty is by no means extravagant, as interested persons would sometimes have us believe, but that on the contrary the nation has reaped considerable benefit from the surrender of the hereditary revenues formerly enjoyed by the Crown in exchange for the fixed annual sum now granted by Parliament.

All the great officers of state, the bishops, the judges, the officers in the army and navy, are appointed by the queen, or in her name; but as the ministry is responsible for the fitness of the persons appointed, and for their conduct whilst in the public service, the selection is placed in their hands, and the sovereign approves, almost as a matter of course, of the person recommended.

Before I conclude, it would be as well were I to tell you something about the royal family.

The royal consort—that is, the wife, or husband of a king or queen—has, as such, no share in the government of the country. They are subjects of the Crown only, and may be appointed to fill any post in the state that a subject can hold. A queen consort has some special privileges and protections. She can sue and be sued in all courts of justice as though she were an unmarried woman; and for this purpose she has her own attorney and solicitor-general to conduct her law business. She has power to purchase lands and to convey—that is, dispose of—them. No other married women can do these things. She has a separate household and officers of state. Her person, like the king's, is sacred.

A queen *dowager* is the widow of a king.

The Prince of Wales is the eldest son of the Sovereign, and heir-apparent to the Crown. He is created Prince of Wales and Earl of Chester and Dublin, and is born Duke of Cornwall. He is also High Steward of Scotland, Duke of Rothsay, Earl of Carrick, Baron of Renfrew, and Lord of the Isles. His person and that of his wife are specially protected by the law. Should the eldest son die, his next brother may be created Prince of Wales and Earl of Chester, but does not become Duke of Cornwall.

The Princess Royal is the eldest daughter of the sovereign. Her person is also specially protected, as, should no son be born or live to succeed to the crown, she would become queen.

The other members of the royal family have no special rights conferred by law. They rank before all dukes, and are

forbidden by the statute 12 Geo. III. c. 11, called the *Royal Marriage Act*, to marry without the consent of the sovereign signified under the great seal; but it is provided that such of the descendants of Geo. II. "as are above the age of twenty-five may, after a twelvemonth's notice given to the King's Privy Council, contract and solemnize marriage without the consent of the Crown, unless both Houses of Parliament shall, before the expiration of the said year, expressly declare their disapprobation of such intended marriage." Persons assisting, or being present, at a prohibited marriage incur very heavy penalties. The act I have quoted does not affect the children of princesses married into foreign families.

From this general sketch of the prerogatives of the Crown, and the position of the Royal Family, you will understand what is meant by saying that England is under a "limited monarchy." The sovereigns of other countries often assert a "divine right" to govern; a sovereign of the house of Hanover can put forth no such pretensions, because he holds his crown under, and by virtue of, the Act of Settlement, and strictly subject to the conditions which it imposes. But although the direct power of the monarch be small, his indirect influence is considerable. His personal predilections are not without weight in determining which of the leading statesmen of the predominant political party shall fill the post of first minister; and, as the head of English society, he can materially influence the tone of manners and morals, and either promote or retard the progress of social improvement.

LETTER IV.

THE HOUSE OF LORDS.

The United Parliament—Composition of the House of Lords—Spiritual Peers—Temporal Peers—Rank of Spiritual Peers—Titles and Rank of Temporal Peers—Creation of Peerages—Voting by the Peers—Privileges of the Peers—The Supreme Court of Appeal.

THE House of Lords or Peers, or, as it is also called, the Upper House of Parliament, ranks next in dignity to the Crown, as the second estate of the realm. Its origin I have already traced in my Introductory Letter.

Before their respective union with England, Ireland and Scotland had each a parliament, and consequently a House of Lords of its own. Now, however, there is but one House for the United Kingdom, and only a certain number of peers selected from the nobility of the sister countries have seats in it. The Irish Representative Peers are elected by their fellows for Life—those of Scotland for each Parliament. The members of the peerage of Scotland and Ireland who have not seats in Parliament enjoy every other privilege of their order, and many of them have English titles. Thus the Scotch Duke of Buccleuch sits in the House of Lords as Earl of Doncaster; and the Irish Marquis of Meath, as Lord Chaworth. The Sons and Daughters of the higher ranks in the Peerage are called Lords and Ladies by *courtesy*, but this gives no right to sit in Parliament. Peers of Scotland are no longer created; but for every three Irish peerages that become extinct—that is, have no one capable of inheriting them—the Queen has the power of creating one new one; but when the Irish peers are reduced to 100, on the extinction of one peerage, another may be created. There is no limit to the number of British peers that she may make.

The following is a summary of the members of the House of Lords in the session of 1878:—

SPIRITUAL PEERS.

2 Archbishops of England and Wales.
24 Bishops do do.

Total, 26

I will tell you how Bishops are appointed in my Letter upon THE CHURCH.

TEMPORAL PEERS.

5 Peers of the Blood Royal.	25 Viscounts.
21 Dukes.	248 Barons.
19 Marquises.	28 Peers of Ireland.
115 Earls.	16 Peers of Scotland.

26 Spiritual peers.
477 Temporal peers.

There are 7 peeresses in their own right either by creation or descent.

The Archbishop of Canterbury takes rank next after the youngest royal duke; the Archbishop of York next but one, the Lord Chancellor intervening. The bishops rank as barons at the head of that order, those of London, Durham, and Winchester taking precedence of all other bishops. The Queen may appoint as many bishops as she may be advised, but twenty-six only have seats in Parliament. They are said to sit, not by virtue of their sacred office, but as barons in respect of the temporal estates attached to their sees; but some difference of opinion is felt by learned persons upon this point.

The temporal peers rank in the order in which I have placed them in the above table, those in the same degree of nobility taking precedence according to the date of their creation.

The title of DUKE is derived from the Latin word *dux*, a leader.

The title of MARQUIS was conferred upon those who held the command of the *Marches*, as the boundaries between England and Wales, and England and Scotland, were called when those countries were hostile to this nation.

The title of EARL is derived from the Saxon word *Eorl* (noble). The Earl formerly had the government of a shire. After the Norman Conquest Earls were called *Counts*, and from them their shires have taken the name of Counties.

The VISCOUNT (Vice Comes) was the deputy of the Earl.

The title of BARON is the oldest in point of antiquity, although the lowest in point of rank, of any order of nobility. He was, as I have already stated, one who held estates immediately of the king.

Peers are now created by *letters-patent* from the Crown. Formerly a writ of summons, calling upon the persons intended to be ennobled, to take their place in the House of Lords, was issued; and thus they became peers of Parliament. Writs of summons are now issued when it is intended to call the eldest son of a peer to the House of Lords in the lifetime of his father.

The House of Lords is usually presided over by the Lord Chancellor; but he does not decide, as does the Speaker of the House of Commons, upon the regularity of its proceedings. The House at large does this; and members whilst delivering their speeches address the assembly and not the Lord Chancellor, or other lord upon the woolsack. Up to within a short time ago Peers could vote either in person—using the words *content* or *non-content*, to signify their approval or rejection of the question before them—or by *proxy*—a signed paper to the same effect used upon their behalf, in their absence, by some other peer. But this privilege—which was not without its use in former days, when many of their Lordships were engaged in distant parts of the country holding the King's castles, or performing other public services, and when travelling was difficult and dangerous—has recently been resigned. Peers may enter a *protest* in the *Journals* of the House against any proceeding resolved upon by it against their will. They have the right of audience with the sovereign at all times. All laws relating to the rights of their order must be originated in the House of Lords; and they may originate any others, except *money bills—i.e.*, bills affecting the taxation of the country and bills affecting the constitution of the House of Commons; and all disputed claims to titles of nobility are referred by the Crown to it for decision. Peers cannot be arrested for debt. The House of Lords is the proper tribunal for trying persons impeached by the House of Commons: it also has the right of trying its own members when accused of treason or felony. To assist it in these duties, the judges and law officers of the Crown have writs *ad consultandum* (to consult), and are its legal advisers. Finally, as the

supreme court of justice in the kingdom, it is the last tribunal of appeal from the judgments of the several Divisions of the Supreme Court of Judicature in England, and the Court of Bankruptcy; but, practically speaking, this jurisdiction is not exercised by the House as a body, but by such of its members, as hold, or have held, high judicial offices.

A Peer who has become bankrupt cannot sit or vote in the House of Lords until he has satisfied his creditors or annulled his bankruptcy.

LETTER V.

THE HOUSE OF COMMONS.

The Reform Bills of 1832 and 1867—The Representation of the country before the Reform Bill of 1832—Rotten Boroughs—Party Spirit—An Election under the old System—The present Composition of the House—The Parliamentary and Municipal Registration Act, 1878—Qualifications of the Electors—Of the Elected: in Boroughs; in Counties—Proceedings at a modern Election—The issuing of the Writ—The Ballot—The Nomination—Former Proceedings at—The Ballot Act, 1872—The Returning Officer—The Polling—The Return—Offences at Elections—Rights and Duties of Members.

THE House of Commons, or Lower House, consists of persons chosen by the people to represent them in parliament.

I have already told you its origin, and why its members were assembled. The number of places to be represented and of the members that they were entitled to return was originally fixed by the kings; and as they looked with great jealousy upon the increasing power of Parliament, no additions of any great importance were made as the wealth and population of the country began to expand. A history of the progress of the House of Commons would be, in fact, a history of England, and with that I have no intention to supply you. I need only tell you that the Acts of Union with Scotland and Ireland fixed the number of members to be sent by each part of the United Kingdom, and that many abuses engendered by corruption and neglect were removed by the Reform Bill passed in the year 1832.

Before the passing of this measure an election was a very different affair to what it is now. In the first place, party spirit ran to a height which the better sense of the present day would not tolerate, and can scarcely realize. In many towns, a Whig would not sit down to the same table with a Tory, and their respective wives and families would not show common civility to each other when they were thrown in contact, merely because they happened to differ in politics! Many large counties, such as Cheshire, Lancashire, Surrey,

and Cornwall, which now return four members to Parliament, sent but two; whilst towns of considerable commercial importance, such as Manchester, Halifax, and Birmingham, were not represented at all. On the other hand, numbers of petty places—belonging to some nobleman or rich country gentleman—of no political or commercial importance whatever, and containing not more than a score or so of voters, and often less, returned their one or two members to Parliament These were called *rotten boroughs*, and those who owned and supported them *boroughmongers*. The party in opposition to these were *reformers*. The proprietor of a rotten borough returned whom he pleased; himself, or his son, or nephew, or, if these were not of sufficient age, some obliging friend who would continue its member until they attained years of discretion, when he would retire in their favour.

In counties where some great landowner was supreme, or a combination of landowners holding the same politics prevailed, the same thing was done. But in others, where the interests were divided, the fiercest contests took place. The voting began at nine o'clock in the morning and continued till four o'clock in the afternoon, and went on day after day, provided that a vote was recorded every hour, until the whole of the electors had polled. Thus you may easily perceive that in a constituency of several thousands the contest might be kept up for months. And so they were; the question in dispute being not who were the best men to send to Parliament, but which side would spend the most money. The most wholesale bribery went on openly, or was administered under the flimsy pretext of giving employment to electors as agents, messengers, banner bearers, and the like, at wages out of all proportion to their labours. The electors who had voted were entertained, with a view to securing their suffrages on some future occasion: those who had not were lodged and feasted in order that the other side might not obtain their votes. The more protracted the struggle, the more money would be spent by both parties, and the better would it be for the electors. Bands of prize-fighters and other ruffians were hired by rival candidates to uphold their cause and intimidate the weak and unprotected. Drunkenness and every species of debauchery reigned paramount. Electors were kidnapped by the opposing party for fear they should vote, or locked up by their friends for fear

they should be kidnapped. Hundreds and thousands of pounds were spent in carrying out these disgraceful tactics; and the resources of many a noble family were sadly crippled by the enormous outlay required. It is reported that the costs of a celebrated contested election in Leicestershire resulted in a permanent charge of 15,000*l.* a year upon the estate of the successful candidate!

There was no regularity of franchise (by which is meant the conditions which entitle a man to vote) in cities and boroughs. In some, every one who had a place in which he could boil a pot (whence he was called a *potwaller* or *potwalloper*) was a voter—in others a mayor and corporation, consisting of some fifteen or twenty persons, had the sole right of electing a representative for as many thousands of their fellow-townsmen.

The first Reformed Parliament met on January 29, 1833, and although this assembly, when compared with those that had preceded the great Reform Bill of 1832, undoubtedly exhibited a great advance in the principle of national representation, still many of the abuses of the old system remained, and a pure electoral system was yet far from being attained. Many of the rotten boroughs, it is true, were swept away, but many others were suffered to exist. Nevertheless it was a great reform, and the Act, when passed, was looked upon as a final settlement of the question; but in less than five-and-twenty years the cry for Parliamentary Reform again arose, to be silenced perhaps only for a time by the Acts of 1867–8, under which the present House of Commons is constituted.

The English Reform Act—the result of a compromise between the two great political parties—is of sufficient importance to be quoted at some length. I therefore give an abstract of its provisions, retaining the old form of the Act, and showing the amendments as introduced chiefly by the Parliamentary and Municipal Registration Act, 1878, by inserting the amending words within brackets. This latter Act came into operation on the 1st of February, 1879.

Part I.

Occupation Franchise for Voters in Boroughs.—Every man shall, in and after 1868, be entitled to be registered as a voter, and, when registered, to vote for a member or members

to serve in Parliament for a borough, who is qualified as follows:—He must be of full age; and have on the [fifteenth] day of July in any year, and during the whole of the preceding twelve calendar months, been an inhabitant occupier, as an owner or tenant, of any dwelling house [or part of a house separately occupied as a dwelling] within the borough; and have during the time of such occupation been rated as an ordinary occupier in respect of the premises so occupied by him within the borough to all rates (if any) made for the relief of the poor in respect of such premises; and have on or before the twentieth day of July in the same year paid an equal amount in the pound to that payable by other ordinary occupiers in respect to all poor rates that have become payable by him in respect of the said premises up to the preceding fifth day of January. [Every man shall be entitled to be registered and to vote under this section, notwithstanding that during a part of the qualifying period, not exceeding four months in the whole, he shall by letting or otherwise have permitted the qualifying premises to be occupied as a furnished house by some other person.] No man under this section to be entitled to be registered as a voter by reason of his being a joint occupier of any dwelling house. [But where an occupier is entitled to the sole and exclusive use of any part of a house, a joint occupation of any other part will not render his occupation otherwise than separate.]

Lodger Franchise in Boroughs.—Every man, in and after 1868, shall be entitled to be registered as a voter, and, when registered, to vote for a member or members to serve in Parliament for a borough, who is qualified as follows:—He must be of full age, and, as a lodger, have occupied in the same borough, *separately and as sole tenant*, for the twelve months preceding the [fifteenth] day of July in any year the same lodgings [or different lodgings of the requisite value in the same house], such lodgings [whether furnished or unfurnished] being part of one and the same dwelling house, and of a clear yearly value, if let unfurnished, of ten pounds or upwards; and have resided in such lodgings during the twelve months immediately preceding the [fifteenth] day of July, and have claimed to be registered as a voter at the next ensuing registration of voters.

Provision for Joint Lodgers.—[Where lodgings are jointly occupied by more than one lodger, and the clear yearly value of the lodgings, if let unfurnished, is of an amount which,

when divided by the number of lodgers, gives a sum of not less than ten pounds for each lodger, and provided there be not more than two such joint lodgers, each lodger shall be entitled to be registered and to vote as a lodger.]

Property Franchise in Counties.—Every man, in and after 1868, shall be entitled to be registered as a voter, and, when registered, to vote for a member or members to serve in Parliament for a county, who is qualified as follows:—He must be of full age, and not subject to any legal incapacity; and be seised at law or in equity of any lands or tenements of copyhold, or any other tenure whatever, except freehold, for his own life, or for the life of another, or for any lives whatsoever, or for any larger estate of the clear yearly value of not less than five pounds over and above all rents and charges payable out of or in respect of the same, or who is entitled, either as lessee or assignee, to any lands or tenements of freehold, or of any other tenure whatever, for the unexpired residue, whatever it may be, of any term originally created for a period of not less than sixty years, of the clear yearly value of not less than five pounds over and above all rents and charges payable out of or in respect of the same. No person to be registered as a voter under this section unless he shall have complied with the provisions of the twenty-sixth section of the Act of the second year of the reign of His Majesty William the Fourth, chapter forty-five.

Occupation Franchise in Counties, and Time for Paying Rates.—Every man, in and after 1868, shall be entitled to be registered as a voter, and when registered to vote for a member or members to serve in Parliament for a county, who is qualified as follows:—He must be of full age, and have on the [fifteenth] day of July in any year, and during the twelve months immediately preceding, been the occupier, as owner or tenant of lands or tenements within the county, of the rateable value of twelve pounds or upwards; and have during the time of such occupation been rated in respect to the premises so occupied by him to all rates made for the relief of the poor in respect of the said premises; and have on or before the twentieth day of July in the same year paid all poor rates that have become payable by him in respect of the said premises up to the preceding fifth day of January.

The Occupier to be Rated in Boroughs, and not the Owner.—Where the owner is rated at the time of the passing of this

Act to the poor rate in respect of a dwelling house or other tenement situate in a parish wholly or partly in a borough, instead of the occupier, his liability to be rated in any future poor rate shall cease, and the following enactments shall take effect with respect to rating in all boroughs :—No owner of any dwelling house or other tenement situate in a parish either wholly or partly within a borough, to be rated to the poor rate instead of the occupier except as hereinafter mentioned : The full rateable value of every dwelling house or other separate tenement, and the full rate in the pound payable by the occupier, and the name of the occupier to be entered in the rate-book : Where the dwelling house or tenement shall be wholly let out in apartments or lodgings not separately rated, the owner of such dwelling house or tenement to be rated in respect thereof to the poor rate.

Composition.—Nothing in this Act shall affect any composition existing at the time of the passing of this Act, and no such composition shall remain in force beyond the twenty-ninth day of September next : nothing herein contained shall affect any rate made previously to the passing of this Act, and the powers conferred by any subsisting Act for the purpose of collecting and recovering a poor rate shall remain and continue in force for the collection and recovery of any such rate or composition.

Rates to be deducted from Rent.—When the occupier under a tenancy subsisting at the time of the passing of this Act of any dwelling house or other tenement which has been let to him free from rates is rated and has paid rates in pursuance of this Act, he may deduct from any rent due from him in respect of the said dwelling house or other tenement any amount paid by him on account of the rates to which he may be rendered liable by this Act.

Inspection of Rate Books.—[In every parish the books containing the poor rates made for the parish within the previous two years shall, at all reasonable times, be open free of charge to the inspection of any registered voter, who may take any copy or extract therefrom.]

First Registration of Occupiers.—Where any occupier of a dwelling house or other tenement would be entitled to be registered as an occupier in pursuance of this Act at the first registration of Parliamentary voters to be made after the year 1867, if he had been rated to the poor rate for the

whole of the required period, such occupier shall, notwithstanding he may not have been rated prior to the 29th Sept., 1867, as an ordinary occupier, be entitled to be registered, subject to the following conditions:—Having been duly rated as an ordinary occupier to all poor rates in respect of the premises after the liability of the owner to be rated to the poor rate has ceased, under the provisions of this Act: That he has on or before the twentieth day of July, 1868, paid all poor rates which have become payable by him as an ordinary occupier up to the preceding fifth day of January.

At a contested election for any county or borough represented by three members, no person can vote for more than two candidates, or for the city of London (which has four members), for more than three candidates. This provision gives the minority a chance of having a representative.

No Elector who has been employed for reward at any Election to be entitled to vote.—No elector who within six months before or during any election for any county or borough shall have retained or employed *for all or any of the purposes of the election* for reward by and on behalf of any candidate at such election as agent, &c., or in other like employment, to be entitled to vote at such election, and if he shall so vote to be guilty of a misdemeanour.

Part II. deals with the distribution of seats. Thirty-eight boroughs which had a less population than ten thousand at the census of 1861, send one member to Parliament instead of two; and the following new boroughs are created:—

Chelsea—Two members.

Darlington,	Gravesend,	Wednesbury,
Hartlepool,	Burnley,	Middlesborough,
Stockton,	Staleybridge,	Dewsbury,

One member each.

Merthyr Tydfil and Salford, which previously had but one member, are granted two.

The city of Manchester and the boroughs of Liverpool, Birmingham, and Leeds are each granted three representatives to serve in Parliament.

The University of London is granted a representative; and every man whose name is for the time being on the

register of graduates constituting the convocation of the University, if of full age, and not subject to legal incapacity, may vote at his election.

The borough of the Tower Hamlets is divided into two; and thus is formed the new borough of Hackney.

The following counties are also divided :—

County to be Divided.	Division.	County to be Divided	Division
Cheshire	North Cheshire. Mid Cheshire. South Cheshire.	S. Lancashire	S. E. Lancashire S. W. Lancashire.
		Lincoln	North Lincolnshire Mid Lincolnshire. South Lincolnshire.
Derbyshire	North Derbyshire South Derbyshire. East Derbyshire.		
		Norfolk	West Norfolk. North East Norfolk South East Norfolk
Devonshire	North Devonshire. East Devonshire. South Devonshire.	Somersetshire	East Somerset. Mid Somerset West Somerset.
Essex	North West Essex. North East Essex. South Essex.	Staffordshire	North Staffordshire West Staffordshire. East Staffordshire.
West Kent	West Kent. Mid Kent.	East Surrey	East Surrey. Mid Surrey.
N. Lancashire	North Lancashire. N. E. Lancashire.	Yorkshire (West Riding)	Northern Division. Mid Division. Southern Division.

Part III. contains the following important provisions :—

Successive Occupation.—Different premises occupied in immediate succession by any person as owner or tenant during the twelve calendar months next previous to the last day of July in any year shall, unless as herein is otherwise provided, have the same effect in qualifying such person to vote for a county or borough as a continued occupation of the same premises in the manner hereinafter provided.

Joint Occupation in Counties.—In a county where premises are in the joint occupation of several persons as owners or

tenants, and the rateable value of such premises is such as would, if divided amongst the several occupiers, so far as the value is concerned, confer on each of them a vote, then each of such joint occupier shall, if otherwise qualified, and subject to the conditions of this Act, be entitled to be registered as a voter, and when registered to vote at an election for the county; but that not more than two persons being such joint occupiers shall be entitled to be registered in respect of such premises, unless they shall have derived the same by descent, succession, marriage, marriage settlements, or devise, or unless they shall be *bonâ fide* engaged as partners carrying on trade or business thereon.

Notice of Rate in Arrear to be given to Voters.—Where any poor rate due on the 5th day of January from an occupier in respect of premises capable of conferring the franchise for a borough remains unpaid on the 1st day of June following, the overseers shall give notice, on or before the 20th of the same month of June, unless such rate has previously been paid or has been duly demanded by a demand note. The notice shall be deemed to be duly given if delivered to the occupier or left at his last or usual place of abode, or with some person on the premises in respect of which the rate is payable. [In case no such person can be found, then the notice shall be deemed to be duly given if affixed to some conspicuous part of the premises.] Any overseer who shall wilfully withhold such notice with intent to keep such occupier off the list of voters, shall be deemed guilty of a breach of duty in the execution of the Registration Acts.

Overseers to make out a List of Persons in arrear of Rates.—Overseers of every parish shall, on or before the 22nd day of July in every year make out a list containing the name and place of abode of every person who shall not have paid, on or before the 20th day of the same month, all poor rates which shall have become payable from him in respect of any premises within the said parish, before the 5th day of January then last past, and the overseer shall keep the said list, to be perused by any person, without payment of any fee, at any time between the hours of ten in the forenoon and four in the afternoon of any day, except Sunday, during the first fourteen days after the 22nd day of July; any overseer wilfully neglecting to make out such list, or to allow the same to be perused, shall be deemed guilty of a breach of duty in the execution of the Registration Acts.

Registration of Voters.—The overseers of every parish or township shall cause to be made out lists of all persons who are entitled to vote for a county in respect of the occupation of premises of a clear yearly value of not less than ten pounds. The claim of every person desirous of being registered as a voter for a member or members to serve for any borough in respect of the occupation of lodgings, shall be in a form provided by the overseer, and every such claim shall, after the last day of July, and on or before the 25th day of August, be delivered to the overseers of the parish in which such lodgings shall be situate, and the particulars of such claim shall be published by such overseers on or before the 1st day of September next ensuing in a separate list. So much of section eighteen of the Act of the session of the sixth year of the reign of Her present Majesty, chapter eighteen, as relates to the manner of publishing lists of claimants, and with respect to the proofs of the claims of persons omitted from the list of voters and objections thereto, shall be as heretofore.

Publication of Lists in Boroughs.—[In every borough any list which is by the Parliamentary Registration Acts or this Act (1878) directed to be published by overseers shall be published by them not only in the manner directed by those Acts, but also by being affixed and kept in some public and conspicuous position in or near every post office, and in or near every public municipal or parochial office within the parish to which the list relates.]

Provision as to Clerks of Peace in Parts of Lincolnshire.—As several of the hundreds now assigned to Mid-Lincolnshire are situate in the parts of Lindsey, and others are situate in the parts of Kesteven, and the liberty of Lincoln consisting of the city and the county of the City of Lincoln is situate partly in the parts of Lindsey and partly in the parts of Kesteven, in forming the register for the said division of Mid-Lincolnshire the clerk of the peace of the parts of Lindsey shall do and perform all such duties as are by law required to be done by clerks of the peace in regard to such of the hundreds assigned to Mid-Lincolnshire as are situate within the said parts of Lindsey, and in regard to so much of the liberty of Lincoln as is situate within the said parts of Lindsey; the clerk of the peace of the parts of Kesteven shall do and perform all such duties as are by law required to be done by clerks of the peace in regard to such of the

said hundreds assigned to Mid-Lincolnshire as are situate within the said parts of Kesteven, and to so much of the liberty of Lincoln aforesaid as is situate within the said parts of Kesteven.

Polling Places.—In every county the justices of the peace having jurisdiction therein or in the larger part thereof, assembled at some court of general or quarter sessions, or at some adjournment thereof, may, if they think convenience requires it, divide such county into polling districts, and assign to each district a polling place, in such manner as to enable each voter, so far as practicable, to have a polling place within a convenient distance of his residence. Where any parish in a borough is divided into or forms part of more than one polling district, the overseers shall make out the lists of voters in such manner as to divide the names in conformity with each polling district. The town clerk shall cause the list of voters for each borough to be copied, printed, arranged, and signed and delivered in the manner directed by the Act, so as to correspond with the division of the borough into polling districts. A description of the polling districts made or altered in pursuance of this Act shall be advertised by the local authority in such manner as they think fit. The local authority may, from time to time, alter any districts made by them under this Act. When polling places or polling districts are altered, or additional polling places or districts are created, the same shall be advertised by the justices in such manner as they shall think fit, and when so advertised shall have the same force and effect as if the same had been published in the *London Gazette*.

Hours of Polling in the Metropolis.—[By a short Act of Parliament passed in the year 1878, the time for polling was extended to include the hours between 8 a.m. and 8 p m. in the following boroughs:—

London,	Hackney,
Westminster,	Lambeth,
Chelsea,	Marylebone,
Finsbury,	Southwark,
Greenwich,	Tower Hamlets.]

Payment of Expenses Illegal.—It is enacted that it shall not be lawful for any candidate, or any one on his behalf, at any election for any borough, except the several boroughs, of

East Retford, Shoreham, Cricklade, Much Wenlock, and Aylesbury, to pay any money for the conveyance of any voter to the poll, but such payment shall be deemed to be an illegal payment within the meaning of "The Corrupt Practices Prevention Act, 1854."

Rooms for taking the Poll.—At every contested election, the Returning Officer shall, whenever it is practicable so to do, instead of erecting a booth, hire a building or room for the purpose of taking the poll. The time for delivery of lists of voters shall be December instead of November as heretofore.

Receipt of Parochial Relief.—It is enacted that overseers of every parish shall omit from the lists made out by them of persons entitled to vote for the borough and county in which such parish is situate the names of all persons who have received parochial relief within twelve calendar months next previous to the [fifteenth] day of July in the year in which the list is made out.

Further Provisions.—[The overseers of every parish shall ascertain from the relieving officer acting for that parish the names of all persons who are disqualified from being inserted in the list of voters by reason of having received parochial relief, and the relieving officer upon application from the overseers shall produce the books containing the names of those persons.]

Election in the University of London.—The Vice-Chancellor of the University of London to be the returning officer. Elections for the University of London to be within six days after receipt of writ, three clear days' notice being given. At every contested election of a member or members to serve in Parliament for the University of London, the polling shall commence at eight o'clock in the morning of the day next following the day fixed for the election, and may continue for not more than five days (Sunday, Christmas day, Ascension day, and Good Friday being excluded), but no poll shall be kept open later than four o'clock in the afternoon. At every election of a member to serve in Parliament for the University of London the Vice Chancellor shall appoint the polling place, and shall have power to appoint two or more Pro-Vice-Chancellors, any one of whom may receive the votes and decide upon all questions during the absence of such Vice-Chancellor; and such Vice-Chancellor shall have power to appoint poll clerks and other officers, by one or more of whom the votes may be entered in the poll book, or such number of poll books as

may be necessary; and such Vice-Chancellor shall, not later than two o'clock in the afternoon of the day next following the close of the poll, openly declare the state of the poll and make proclamation of the member chosen. It is enacted that no person shall be registered as an elector for the city of London unless he shall have resided for six calendar months next previous to the last day of July in any year, nor be entitled to vote at any election for the said city unless he shall have ever since the last day of July in the year in which his name was inserted in the register then in force have resided, and at the time of voting shall have continued to reside within the said city, or within twenty-five miles thereof or any part thereof.

Bribery.—Any person, either directly or indirectly, corruptly paying any rate on behalf of any ratepayer for the purpose of enabling him to be registered as a voter, thereby to influence his vote at any future election; and any candidate or other person paying any rate on behalf of any voter for the purpose of inducing him to vote or refrain from voting, shall be guilty of bribery; and any person on whose behalf any such payment is made shall also be guilty of bribery, and punishable accordingly.

Clause L.—The returning officer, his deputy, the partner or clerk or either of them acting as agent, shall be guilty of a misdemeanour.

Clause LI.—Demise of the crown not to dissolve Parliament. Members holding offices of profit from the crown not required to vacate their seats on acceptance of another office. Copy of reports of commissioners to be evidence in cases of corrupt practices. Clause 54 provides for separate registers where boroughs and counties have been divided by this Act. Clause 55 provides for the formation of new boroughs. The revising barrister to write the word "borough" opposite the name of each voter, if not entitled to vote for the county. The franchises conferred by this Act shall be in addition to existing franchises, but no person shall be entitled to vote for the same place in respect of more than one qualification. It is enacted that the County Palatine of Lancaster shall cease to be a County Palatine in so far as respects the issue of writs for the election of members to serve in parliament.

The Parliamentary and Municipal Registration Act, 1878, contains elaborate provisions as to the arrangement of lists of

voters, the duties and powers of revising barristers, the mode of objecting to registration of a voter, together with a schedule of forms, but the main provisions of the Act of 1867 are unaltered, except in the few instances I have indicated.

Scotland and Ireland have special Reform Acts, which were passed in the year 1868.

In Scotland the franchise for burghs is fixed at the same rate and on the same conditions as in England, with the distinction that a voter may be exempted from payment of poor rates on the ground of *inability to pay*, and still retain his qualification. An occupation tenure of 14*l.* value gives a vote in counties: all the other provisions of the English Act are in force, modified so as to be applied according to the peculiar legal process of the country. Additional seats were given: one to the Universities of St. Andrews and Edinburgh; one to those of Glasgow and Aberdeen; one to Glasgow city. The counties of Lanark, Ayr, and Aberdeen were divided, each division to return one member, and Dundee to return two; the counties of Selkirk and Peebles were united, losing a member, which was given to the grouped burghs of Selkirk, Hawick, and Galashiels. Aberdeenshire was divided into East and West. Ayrshire was divided into North and South. Lanarkshire was also divided North and South. To make room for these additions the English boroughs of Arundel, Ashburton, Dartmouth, Honiton, Lyme Regis, Thetford, and Wells were wholly disfranchised. Penalties or punishments for infractions of the regulations of the Act were imposed, as in the English Act, and may be recovered or inflicted by the usual process.

In Ireland the franchise for householders in towns was reduced from 8*l.* to 4*l.*, and for lodgers was fixed at the value of 10*l.* a year, unfurnished. No redistribution of seats was made.

The House of Commons consists at present (1878) of 650 members, returned as follows by the three divisions of the United Kingdom:—

ENGLAND AND WALES.	MEMBERS.
52 Counties and Isle of Wight . . .	187
200 Cities and boroughs	293
3 Universities	5
Total of England and Wales . .	485

	MEMBERS.
SCOTLAND.	
33 Counties	32
22 Cities and burgh districts	26
4 Universities	2
Total of Scotland	60
IRELAND.	
32 Counties	64
33 Cities and boroughs	39
1 University	2
Total of Ireland	105
Total of United Kingdom	650

The degree of Master of Arts, without any property qualification, confers a vote in the Universities, and its possessor may vote by filling up a voting paper and sending it through the post. His signature must be attested by a justice of the peace, and the person using the voting paper must make the following declaration:—"I solemnly declare that I verily believe that this is the paper by which A. B. [the voter] intends to vote, pursuant to the provisions of the University Election Act, 1861 and 1868." All other voters must vote in person.

The following are disqualified from voting. No person can vote who

1. Is an alien or foreigner.
2. Has not arrived at the age of 21 years.
3. Has been convicted of perjury in a court of law.
4. Has been in receipt of parochial relief during the year.
5. Is concerned or employed in collecting the house duty.
6. Who is employed under the Commissioners of Stamps, or is such commissioner.
7. Who is employed in any way connected with the General Post Office, or is a police constable.
8. Who is a peer of the realm; and

9. Who has been convicted of bribery, treating, or using undue influence at an election.

In every county, city, and borough a register of qualified voters is kept. This list is *revised* once every year by barristers appointed for that purpose, when the names of persons who have become entitled to vote are entered, and the names of those who have died or become disqualified are struck out. .

Until the year 1858 members of the House of Commons were required to possess a property of a certain value ; but in that year this qualification was abolished. The following, however, are disqualified by law :—

1. Aliens.

2. The Judges of the Supreme Court of Judicature, magistrates, and revising barristers.

3. Persons under the age of 21 years.

4. Clergymen—Protestant and Roman Catholic.

5. Outlaws in criminal cases, and persons convicted of treason and felony.

6. Candidates reported guilty of bribery or treating at an election (disqualified only for the existing parliament).

7. The returning officer of the county, city, or borough of which he is such officer.

8. Persons concerned in the management of taxes created since 1692, or holding places of profit under the Crown created since 1718.

9. Pensioners of the Crown.

And lastly,

10. Army agents, government contractors, and sheriffs' officers.

Seven years is the limit fixed by law for the duration of any parliament ; at the end of that period it becomes dissolved as a matter of course. It is also dissolved six months after the death of the Sovereign, and may, as has already been said, be put an end to at any moment by the exercise of the royal authority.

When a new Parliament has to be called together, a royal warrant is directed to the Lord Chancellor, ordering him to cause the writs authorizing the elections to be made out and issued. In every place entitled to be represented in Parliament is a person called "the Returning-Officer," whose duty is to manage the election. In counties the sheriff, and in cities and boroughs the mayor, bailiff, or some other person

duly appointed, is the returning-officer. The writs are despatched to these returning-officers, commanding them to elect their members, which they must do in boroughs within six days after the receipt of the writ; while in counties twelve days are allowed, but the election must not be held sooner than the sixth day.

A great and salutary reform was effected in the year 1872 in the mode of conducting parliamentary elections. In consequence of the rioting which sometimes disgraced the public nomination of candidates, the disturbance of ordinary business which nearly always prevailed, and the expense of erecting *hustings*, it has been determined that this proceeding shall be taken in a more private manner, and that the voting shall be by ballot, in the hope that by enabling an elector to record his vote in secret, it will be useless to bribe and impossible to intimidate him. This Act has now been in operation for six years, and will continue in force until the 31st December, 1880, when Parliament will be called upon, by the light of the experience thus gained, to determine whether the system of voting by ballot has maintained its claims to be considered a useful electoral reform.

Previous to the year 1872 candidates for election were nominated in public and upon a day fixed, called the *nomination day*, if no suitable room could be had, a covered platform called the *hustings*, was erected in the principal town in counties, and in some convenient locality in other places, upon which the candidates for election and their friends assembled. The candidates were *proposed* by one supporter, and *seconded* by another. They then addressed the electors, stating their political opinions and their claims to represent them. If the number of persons proposed did not exceed that which the electors were entitled to send to Parliament, they were elected then and there; if more were put in nomination, the returning-officer called for "a show of hands," and declared which candidate had the greatest number held up for him, but as there was no way of discovering whether all who thus gave their vote were entitled to one, any candidate unwilling to abide by this decision, might demand a *poll*. But it was provided by the Ballot Act of 1872, to which I have already referred, that, during the operation of that Act, candidates should be nominated in writing, subscribed by two registered electors as proposer and seconder, and by eight other registered electors as assenting to the nomina-

tion. The nomination paper thus signed must be delivered to the returning-officer during the time appointed for the election by the candidate himself, or by his proposer or seconder.

If at the expiration of one hour after the time appointed for the election no more candidates shall be nominated than there are vacancies to be filled up, the returning-officer shall forthwith declare the candidates who may stand nominated to be elected. No one except the candidate, his proposer and seconder, and one other person selected by him, shall be entitled to attend the proceedings.

It is now unnecessary for a candidate to *demand a poll.* If the election is contested, the returning-officer must, after adjourning the election, give notice of the day fixed for the poll. The poll is opened by the returning-officer, who must first make a declaration of secrecy in the manner prescribed in the Act.

The votes are given by ballot. Each voter is supplied with a ballot paper showing the names and descriptions of the candidates. The voter secretly marks his vote on the paper, and after folding it up so as to conceal his vote, places it in a closed box in the presence of the presiding officer.

After the close of the poll the ballot boxes are sealed up and delivered into the charge of the returning-officer, who opens the boxes, and after ascertaining the result of the poll by counting the votes, declares to be elected the candidate or candidates for whom the majority of votes have been given. In case of an equality of votes the returning-officer, if a registered elector, has a casting vote.

The forging, defacing, counterfeiting, &c., of ballot papers, or wrongfully interfering with ballot papers or ballot boxes, is made a misdemeanor by the Act, punishable by imprisonment, with or without hard labour, for any term not exceeding six months. If the offender is the returning-officer, or an officer or clerk in attendance at the polling station, he is liable to imprisonment for any term not exceeding two years with or without hard labour. And all officers, clerks or agents in attendance at a polling station, are bound to maintain secrecy under a penalty of imprisonment for a term not exceeding six months, with or without hard labour.

The Member of Parliament when elected may be deprived of his seat, if it can be proved that he, or his agents with

his knowledge, have been guilty of bribery, corruption, or undue influence in obtaining votes; or if it be found that persons had voted for him who had no right to do so, and that when their votes were deducted, his opponent had a majority of duly-qualified electors. In former times, the House of Commons, *as a body*, decided as to the validity of elections. Later on this duty was confided to a Select Committee; and now it is performed by the Judges of the Supreme Court of Judicature. Election petitions are tried in the county or borough in which the election sought to be invalidated has taken place.

Should a vacancy occur during the sitting of Parliament, the Speaker, by order of the House, issues his warrant to the clerk of the Crown, and the writ is sent down, as I have narrated. If it happens during the recess, if the Speaker is informed of it in writing, signed by two members of Parliament, the writ is issued without an order of the House.

A member properly returned may be expelled the House for misconduct, and his seat will become vacated if he be made bankrupt, and does not satisfy his creditors within a year, or if he accepts an office under the Crown; he may, however, be re-elected, and afterwards fill it. If he merely *change* the office he holds—for example, if the Solicitor-General become, by promotion, Attorney-General—he need not submit himself for re-election. A member may not resign the trust confided to him; but by his acceptance of the stewardship of the Chiltern Hundreds, or of the Manor of Northstead (sinecure offices under the Crown preserved for the purpose), his seat will be vacated and he can thus retire from Parliament. He cannot be made liable for anything that he may say in debate. The power is granted by statute to the House of Commons to administer the oath to witnesses examined at the bar of the House, and to any committee of the House to administer the oath to witnesses examined before such committee. The Lower House has the right to originate all bills relating to, or affecting the revenue and the taxation of the kingdom, and to vote the supplies; nor can any bills dealing with the taxation of the country be altered or amended by the House of Lords. That House can only reject them, or pass them in the form in which they come up from the Commons.

LETTER VI.

THE ADVISERS OF THE CROWN.

The Privy Council—The Judicial Committee—The Cabinet Council—The Attorney- and Solicitor-General—The Ministry, its Composition and Policy—The Opposition—Pensions of Ministers.

I HAVE told you that the advisers of the sovereign are responsible for his political acts; I must now tell you who these are.

The principal council of the crown is the Privy Council. Its members (whose number is now unlimited) are appointed by the sovereign, and can be removed at her pleasure. The oath taken by a privy councillor upon entering office is as follows:

1. To advise the queen according to the best of his cunning and discretion.

2. To advise for the queen's honour and good of the public without partiality through affection, love, meed, doubt, or dread.

3. To keep the queen's counsel secret.

4. To avoid corruption.

5. To help and strengthen the execution of what shall be there resolved.

6. To withstand all persons who would attempt the contrary. And lastly,

7. To observe, keep, and do all that a good and true counsellor ought to do to his sovereign lord.

The power of this Council as a body has of late years been very much diminished. Its *judicial* business (which mainly consists of hearing appeals from the courts in our *plantations* or colonies, from India, and from the Admiralty and Ecclesiastical Courts) is transacted by a committee, called the "Judicial Committee of the Privy Council," and consisting of judges and other eminent lawyers made mem-

bers for the purpose. Every archbishop or bishop in the Privy Council is also a member of the Judicial Committee, for the purpose of hearing ecclesiastical appeals, when at least one archbishop must be present. An Act of Parliament, passed in 1871, regulates the appointment of additional salaried members to facilitate the despatch of business. Its duties of advising the Crown and conducting the government of the country are almost exclusively performed by the principal ministers of State, who are members of the *Cabinet Council*. This is so termed on account of its being originally composed of such members of the Privy Council as the king placed most trust in, and conferred with apart from the others in his *cabinet* or private room. Curiously enough, although it is a body of the highest importance—being in fact the government of the country—it is not recognized in any way by the constitution. It is not, even in any strict or formal sense, a Committee of the Privy Council, to which, however, its members always belong. On this subject Macaulay writes, "Few things in our history are more curious than the origin and growth of the power now possessed by the Cabinet. From an early period the Kings of England had been assisted by a Privy Council to which the law assigned many important functions and duties. During several centuries this body deliberated on the gravest and most delicate affairs. But by degrees its character changed. It became too large for despatch and secrecy. The rank of Privy Councillor was often bestowed as an honorary distinction on persons to whom nothing was confided, and whose opinion was never asked. The sovereign, on the most important occasions, resorted for advice to a small knot of leading ministers. The advantages and disadvantages of this course were early pointed out by Bacon, with his usual judgment and sagacity; but it was not till after the Restoration that the interior council began to attract general notice. During many years old-fashioned politicians continued to regard the Cabinet as an unconstitutional and dangerous board. Nevertheless, it constantly became more and more important. It at length drew to itself the chief executive power, and has now been regarded, during several generations, as an essential part of our polity. Yet, strange to say, it still continues to be altogether unknown to the law. The names of the noblemen and gentlemen who compose it are never officially announced to the

public. No record is kept of its meetings and resolutions; nor has its existence ever been recognized by any Act of Parliament."

The criminal jurisdiction of the Privy Council, that in the days of the Star Chamber (which was composed of its members), was stretched to so dangerous a length, is now no greater than that exercised by justices of the peace.

Her Majesty is frequently empowered by Act of Parliament to make proclamations and orders upon given subjects, "by and with the advice of her Privy Council," but only such members as are specially summoned attend upon each occasion.

Privy councillors are distinguished by having the words "*right honourable*" prefixed to their christian names or initials.

All Peers are Privy Councillors

The Sovereign may appoint her own ministry, or may order any person to form one; but as a majority in parliament is indispensable for the carrying on of government, it follows that, in *practice*, the ministry is composed of the leader of the political party in power, assisted by his friends and supporters. The Cabinet Council, shortly termed *the Cabinet*, forms only part of the ministry or *administration*. The constitution and number of the Cabinet depend upon the recommendation of the First Lord of the Treasury, who is the chief of the ministry, and who appoints his colleagues or "forms the ministry," usually selecting those of his supporters who have rendered conspicuous political services to his party, or whose administrative capabilities, rank, talent, or powers of oratory are likely to aid him in the task of carrying on our intricate system of "party government." The Cabinet usually consists of at least nine, and at the present time of thirteen, of the following great officers of state:—

The First Lord of the Treasury This office is now generally held by the *Premier*, or first minister, but he *may* hold any other.

The Lord High Chancellor—the law adviser of the ministry, and keeper of the great seal.

The Lord President of the Council.

The Lord Privy Seal.

The Chancellor of the Exchequer—who arranges and accounts to parliament for the public revenue and expenditure.

The Secretary of State for the Home Department—who manages the internal affairs of the kingdom.

The Secretary of State for Foreign Affairs—who conducts our intercourse with foreign nations.

The Secretary of State for the Colonies.

The Secretary of State for the War Department.

The Secretary of State for India.

The Postmaster-General.

The First Lord of the Admiralty—who presides over the affairs of the Royal Navy.

The President of the Board of Trade—who attends to matters relating to trade and commerce.

The President of the Local Government Board—for the supervision of the laws relating to the public health, the relief of the poor, and local government generally.

The Vice-President of the Council on Education—who presides over the committee of the Privy Council charged with the administration of the education department.

Distinguished statesmen who hold no office under government are sometimes made members of the Cabinet.

In order to facilitate the despatch of business in Parliament, it is generally arranged so that the chiefs of Departments who are Peers, have their Under-Secretaries in the House of Commons—and *vice versâ*.

Many other political offices subordinate to those I have mentioned, and a number of places in her Majesty's household are filled by members of the party in power, who resign them when their friends go out of office.

The chief legal adviser of the Crown is the Lord Chancellor; its law officers are the Attorney- and Solicitor-General. The latter is selected from amongst the most distinguished Queen's Counsel (a grade in the legal profession which I will explain in due course). They have to investigate the claims of inventors to *letters patent*, by which the sole right to use or permit the use of the invention is secured to its owner for a term of years. They represent the Crown in the courts of law and equity. In cases of high treason both these officers invariably appear.

A Ministry usually belongs to a distinct political party, and accepts office pledged to carry out some particular plan or policy of government. The party in Parliament that is opposed to this is called the *Opposition*. The Ministerial members—those who generally support the Ministry—sit on

the right hand side of the Speaker's chair in the House of Commons, and those of the Opposition on the left. In the House of Lords—substituting the throne for the Speaker's chair—the same rule is generally observed, except upon high state occasions, when the Lords take their seats upon separate benches, according to the rank that they hold in the peerage, irrespective of their political opinions. When the Ministry is defeated—that is, placed in a minority upon some question intimately connected with the policy under which they took office; or if a vote of want of confidence is passed against them, they should resign, and, constitutionally speaking, the Opposition ought to be able to take their place.

When ministers have served for a period of three years they are each entitled to a pension of 2000*l.* for life on retirement, in computing which period it is usual to reckon the aggregate tenure of office, if it should happen that any of them have served more than once. The pension is not granted as a matter of course, but on application, and only when the circumstances of the applicant render it necessary.

LETTER VII.

PROCEEDINGS IN PARLIAMENT.

Opening of Parliament—Election and Duties of Speaker—The Speech from the Throne—The Business of Government—Passing Bills, public and private—Divisions of the House—Voting by Peers,—by the Commons—The Royal Assent—The Budget—Committee of "Ways and Means"—Of Supply—Mutiny Act—Prorogation.

On the day fixed for the meeting of a new Parliament the members of both houses assemble and take the oaths prescribed by law. The Commons then, under an order from the Crown, proceed to elect their Speaker. This important officer of the Crown is chosen by the House of Commons from amongst its own members, subject to the approval of the Sovereign, and holds his office till the dissolution of the Parliament in which he was elected. His duties are, to read to the Sovereign petitions or addresses from the Commons, and to deliver in the royal presence such speeches as are usually made on behalf of the Commons; to manage, in the name of the House, where counsel, witnesses, or prisoners are at the bar; to reprimand persons who have incurred the displeasure of the House; to issue warrants of committal or release for breaches of privilege; to communicate in writing with any parties, when so instructed by the House; to exercise vigilance in reference to private bills, especially with a view to protect property in general, or the rights of individuals from undue encroachment or injury; to express the thanks or approbation of the Commons to distinguished personages; to control and regulate the subordinate officers of the House; to adjourn the House at four o'clock if forty members be not present; to appoint tellers on divisions. The Speaker, *as such*, must abstain from debating. In committee of the whole House, when the Chairman is in the chair, he can join in the discussions like any private

member. As Speaker of the House, his duties are the same as those of any other president of a deliberative assembly. Should a member persevere in breaches of order, the Speaker may "name" him, as it is called, a course uniformly followed by the censure of the House. In extreme cases the Speaker may order members or persons who have committed breaches of privilege of the House into custody, until the pleasure of the House be signified. On divisions when the numbers are equal, he gives the casting vote. At the end of his official labours he is generally rewarded by a peerage, and a pension of 4000*l.* for two lives. He is a member of the Privy Council.

When her Majesty opens Parliament, she goes in State to the House of Lords, and takes her seat upon the throne. The Commons are then summoned, and such members as please attend, with their Speaker, at the bar. The royal speech, prepared beforehand by the Ministry, and in which the present condition of public affairs is briefly set forth, and the new measures to be submitted to the Legislature adverted to, is handed to the Queen by the Lord Chancellor and read by her; after which, her Majesty retiring, the business of the session commences. The Commons return to their own chamber, and, by way of form, read some bill to keep up their privilege of not giving priority to the royal speech. Two members appointed by Government then move and second the "address" in either House, thanking her Majesty for her gracious speech, and each House appoints a deputation to present it. In former days the debate upon the address was often very vehemently contested, and "*amendments*" or alterations, implying a refusal to accept the intended policy of the Ministry, were frequently proposed; but of late, although the leaders of the Opposition in each House usually criticize closely the topics contained in, or omitted from, *the speech*, the address is generally passed without further opposition.

When Parliament is opened by Commission, the royal speech is read by one of the Commissioners, and the address passed as I have stated.

The business of making and altering the laws is carried on by each House of Parliament independently of the other. No proceeding which has taken place in the one may properly be alluded to in the other, nor may any past debate of the same session be mentioned. Their deliberations are supposed

to be secret, and although the public is admitted to hear the debates, and reporters from the newspapers attend regularly to publish them, this is only practically permitted by a foolish fiction under which their presence is ignored. Should any member draw the attention of the Speaker to the fact, that there are strangers in the House, he had formerly no alternative but to order them to withdraw. Owing to the abuse of this privilege on the part of certain members of the House it was found necessary to modify the rule, and proposals to exclude strangers must now be formally made, and are put to the vote without a debate. The Speaker still retaining the power of clearing the House when he should think necessary. There are parts of the House to which strangers may be admitted when no objection is made, but any attempt to trespass upon the portion set apart for members of Parliament would be treated as a serious contempt. By a curious fiction, the space immediately around the Throne and the Woolsack, in the House of Lords, is deemed not to be a part of that House. So that when the Lord Chancellor wishes to speak, he moves from the Woolsack to the front of the head of the ducal bench, and from thence addresses the peers.

The only official report of proceedings in Parliament is printed by the Queen's printer.

I have already stated the measures which it is the privilege of the Lords or Commons to originate. There is one bill only which the Crown has a right of initiating—an Act of General Pardon. This is originated by the Sovereign, and read *once* in each House of Parliament. All others may be introduced in either House, and by any member; only such as are of great public importance are generally taken charge of by the Government, who having certain days of the week exclusively devoted to the discussion of the bills they bring in, have better opportunities of passing them. Government bills are entrusted to the head of the department which conducts that branch of the administration which the proposed new law will affect. Thus, bills relating to the colonies are brought in by the Colonial Secretary; to police, prisons, &c., by the Home Secretary; to taxes, by the Chancellor of the Exchequer, &c. &c.

Bills are either (1) *public*, affecting the general interests of the State; or (2) *private*, enabling private individuals, associated together, to undertake works of public utility at their

own risk, and, in a degree, for their own benefit; and also relating to naturalization, change of name, or for perfecting titles to estates, &c. Public bills may originate in either House, unless they be for granting supplies of any kind, or unless they involve directly or indirectly the levying or appropriation or removal of any tax or fine, for then they must be initiated in the Commons; so must all private bills which authorize the levying of local tolls or rates. Estate, peerage, and naturalization bills are commenced in the Lords.

The House of Lords meets at five o'clock in the afternoon, the House of Commons at four o'clock, except on Wednesday, when it sits at noon. In both Houses, however, morning sittings are sometimes specially appointed. Before the commencement of business in either prayers are read; in the Lords by one of the bishops, and in the Commons by the Speaker's chaplain. Three members must be present in the former, and forty in the latter, or there is what is called "*no house*," and business is adjourned until the next day.

In the House of Lords a peer merely gives notice of his intention to bring in the bill, but a member of the Lower House must obtain its leave to do so before he can introduce it. If permission be given, the bill, in manuscript, with blank spaces for dates, numbers, and other particulars likely to be altered, is brought in, and the introducer moves that it be read a first time. Every motion made in the Lower House must be seconded. In the House of Lords no seconder is required. When leave is given the bill is read a first time, and ordered to be printed; copies of it are distributed amongst the members, and upon the day fixed it is read a second time, and its *principle* then fully discussed, matters of detail being reserved for arrangement in the next stage, when the House goes into "committee" upon it. When this takes place, the Speaker quits the chair, and another parliamentary officer, *the chairman of committees*, presides. Each clause is read over in order, and altered, added to, improved, or struck out, as the majority decide, and sometimes the bill is entirely remodelled. At this stage a member may speak several times upon the same motion; at other times he may only speak once. When the bill has been gone through to the end in this manner, the Speaker resumes his place, and the chairman brings up the report of the committee, which is, in effect, the bill itself with its amendments. The House may then add improvements of its own, and accept or reject

those made in committee. The bill is then engrossed upon parchment, and read a third time, and if agreed to, the question is put, "that the bill do pass," when it may be further altered. If this motion be carried, the bill is sent to the other House of Parliament, where it has to go through the same process over again. If it be amended there, it is sent back with the alterations made, to which, if the House which originated it agree, a message is sent to say so; if not, a conference between the two Houses takes place, and the difference between them is generally settled; but if this cannot be done, the bill is abandoned. On a bill passed by the Commons being sent up to the Lords, the clerk of the former endorses on it "*Soi ballé aux Seigneurs;*" and the same form is observed by the clerk of the Lords on a bill being sent to the Commons, the endorsement being "*Soi ballé aux Communes.*"

When the bill has passed through both Houses in this manner, it is ready to receive the royal assent, which is given either by her Majesty in person or by commission. When her Majesty gives her consent in person, her concurrence is previously communicated to the clerk-assistant, who reads the titles of the bills, on which the royal assent is signified by a gentle inclination. If it be a bill of supply, the clerk pronounces loudly, "*La reigne remercie ses bons sujets, accepté leur bénévolence et ansi le veult.*" "The Queen thanks her good subjects, accepts their benevolence, and answers, 'Be it so.'" To other public bills the form of assent is "*La reigne le veult,*"—"The Queen wills it so." To private bills, "*Soi fait comme il est désiré,*" "Be it as it is prayed." When the royal assent is refused, the clerk says, "*La reigne s'avisera,*" "The Queen will consider of it;" but these words are never now pronounced, and have not been heard since Queen Anne refused to sanction the Scotch Militia Bill in the year 1707.

A bill may be opposed at any, or all, of its stages. When it is intended to do so, after a sufficient discussion has taken place, the "question" is "put" by the Speaker, and the House is *divided*. Those members who vote for the bill, or amendment in it, go into one lobby of the House, and those who vote against it into another. *Tellers*, or counters of the voters on either side (generally the mover and seconder of the bill and two of its principal opponents), are appointed to ascertain the numbers in each. The result is written

down upon a slip of paper, which is handed to the teller of the side that has a majority, who reads the figures aloud. He then hands the slip to the Speaker, who again formally reads the figures, and declares the result of the division. If an error in counting the votes or any breach of order during the division has occurred, the member affected sitting in his usual place and with his hat on must call the attention of the Speaker thereto before the announcement of the numbers. The Speaker does not vote except when the House is equally divided, he then may give a casting vote. In "committee" he is entitled to speak and vote like any other member.

In the House of Lords, peers vote by the words "*content*" and "*non-content*." In the Commons, members signify their wish by saying "aye" or "no." Bills must pass through all their stages in one session. So a formal method of throwing one out, is to move that it be read a second time "that day six months," or "to-day three months," when it is certain that Parliament will not be sitting. Bills are also sometimes referred to *select committees* chosen by the House in which they are introduced. These Committees deliberate and examine witnesses, to ascertain whether the proposed measure is essential or otherwise, in apartments provided for the purpose, and report the result of their investigations to the House.

Private and personal bills are based upon *petitions*, and if they propose to interfere with the land or property of any one, their purport must be advertised in the public papers. They are referred to a committee charged to investigate their provisions, before which persons interested in or affected by them may appear by counsel. The committee makes its report to the House, and the bills are passed or rejected in the same manner as public bills.

Early in the session the Chancellor of the Exchequer lays his *Budget* (from the French word *bougette*, a bundle) before Parliament. This contains an estimate of the sum required for the service of the State, for the Army, Navy, Civil Service, &c. &c., and the means proposed for raising it by taxation, or otherwise. The duration of a Ministry very often depends upon the correctness and sound financial policy of its Chancellor of the Exchequer. The sum required is voted, or refused, in *Committee of Ways and Means*, and if granted, the manner in which it is to be applied is discussed, item by

item, in *Committee of Supply*, in which members are at liberty to ask questions as to its application, which are answered by the Minister to whose department they refer. The resolutions in Committee of Supply are embodied into what is called *the Appropriation Bill*, which is sent up for approval to the House of Lords. This House may reject, but cannot alter it. The passing of this bill is usually the last business of the session.

To pass the Mutiny Act is also the annual business of Parliament. In former days the monarch often used the army to control the liberties of the subject. To remedy any abuse of power in this respect, it has for many years been the custom to pass the laws relating to the discipline and regulation of the army for one year only, to be renewed the next. If anything happened to prevent the Mutiny Act being passed in proper time, the whole of our army would be in fact disbanded. The Mutiny Act is now under revision.

When the business of the session is concluded, Parliament is *prorogued*, or, if necessary, dissolved, by the sovereign in person, or by commission, when a royal speech is delivered commenting upon the proceedings of the session, the state of public affairs, and thanking the Commons for voting the supplies.

LETTER VIII.

THE NATIONAL DEBT.

Its Origin—The Funds—Funding System—Transfer of Stock—Price of Money—Reduction of Debt—Sinking Fund—Amount of Debt at various periods of our History—Revenue—Exports and Imports—Balance of Trade.

THE National Debt consists of sums borrowed by Government to make up deficiences of revenue. Charles II. was the first king of Great Britain who borrowed money on the national credit; this began in 1660. At the abdication of James II., in 1688, the amount of the debt was upwards of 660,000*l*. But it was his successor who established the system. The Revolution, and the consequent banishment of the house of Stuart, involved us in a long and costly war with Louis XIV. of France, who espoused the cause of our exiled king. The seat of his son-in-law, William III., upon the vacated throne, was by no means secure. A large and powerful party of Englishmen still remained true to James II. as king *de jure* (of right), and many others only just tolerated the sway of the *de facto* sovereign. Money, far beyond what the ordinary revenue of the country would provide, was required to defray the heavy expenses of the struggle which we were compelled to wage in defence of our religion and liberties; and it was felt that it would be dangerous in the extreme to impose new taxes sufficient to meet the demand.

The cause of Louis was the cause of James, and it was not to be expected that the adherents of the latter would quietly submit to heavy imposts designed to furnish means for destroying their fondest hopes. It was therefore determined to borrow money upon interest, and to repay it when the resources of the country were in a more flourishing con-

dition. But the exigencies of the public service owing to wars went on increasing, and loan after loan was contracted, not only in succeeding years but in succeeding reigns. But much to the credit of our country, it has to be noticed that at almost every interval of peace some serious attempt was made at reducing the public indebtedness. Throughout the history of the National Debt of the British Empire during this early period this was a feature which stood out in singular contrast to the financial policy of all other nations. And it was this that mainly supported our credit throughout the wars with the first Napoleon, to which the bulk of our indebtedness has to be attributed. In the period of twenty-two years comprised between 1793 and 1815, the augmentation in the National Debt was over *six hundred millions*. Since the Battle of Waterloo it may be substantially said that England has paid out of revenues for every war she has waged, and has in addition diminished her debt some eighty millions.

In 1875 an Act of Parliament was passed with the object of providing for the gradual reduction of the National Debt, by means of a new permanent Sinking Fund, to maintain which the Legislature annually votes a proportion of the national revenue, which is now fixed at twenty-eight millions annually. At the conclusion of the financial year, 1878, the total National Debt, funded and unfunded, amounted to 777,781,596*l.*

The term *fund* applied originally to the taxes or funds set apart, as security, for repayment of the principal sums advanced and the interest upon them; but when money was no longer borrowed to be repaid at any given time, it began to mean the principal sum itself. In the year 1751, Government began to unite the various loans into one fund, called the *Consolidated fund* (which you must not confuse with that of the same name into which part of the revenue is collected), and sums due in this are now shortly termed *consols*. These come under the general denomination of *stocks*.

The interest paid upon loans during the reigns of William III. and Anne was various; but latterly, instead of varying the interest upon the loan, according to the state of the money-market at the time, it was fixed at three per cent., the necessary addition being made in the principal funded. Thus, suppose that Government could not borrow money under four-and-a-half per cent., they would give the lender 150*l.* three per cent. stock for every 100*l.* he

advanced, and the country would be bound to pay him 4*l.* 10*s.* a-year as interest until the debt was extinguished by a payment of 150*l.* This was eventually found to be a very bad plan, and it was calculated, when it was discontinued, that owing to its adoption, the debt then existing amounted to nearly two-fifths more than the sum actually advanced, and that we were paying from 6,000,000*l.* to 7,000,000*l.* a-year in interest more than would have been due had the money been borrowed at the market rate of the day, and funded without increase of capital. For the market rate of interest might fall the week after the loan was contracted, whereas the additional capital funded remained undiminished.

A portion of the revenue is set apart every year to pay the interest upon the National Debt to such persons as have themselves lent money, and to those by whom the claims of others have been inherited, or to whom they have been transferred. The person to whom stock is transferred need not receive any certificate of the transfer, but his name is registered in the National Debt books. If he disposes of the whole or any part of it, it is again transferred from his name to that of its new proprietor. The registry books are arranged alphabetically in the Bank of England, and distributed in several apartments, marked with the initial letter and syllables of the book they contain. Thus everybody is able to find the exact place where his account is kept. The business of buying and selling stock, however, is almost entirely in the hands of the *stockbrokers*, who become agents for the parties who wish to procure or part with it, and transact all the necessary operations upon their behalf. The Bank of England manages the payment of interest upon the funds for Government.

The value of a nominal 100*l.* of stock fluctuates according to the abundance or scarcity of money in circulation. During the last hundred years the market price of 100*l.* in the 3 per cent. consols has been as low as 47¼, and as high as 102¼. Anything that tends to endanger or lessen the national prosperity causes the Funds to sink, and *vice versâ*. Foreign nations have attempted to keep up the price of their stocks by force of law, but have failed signally. Money, like water, will find its own level, and no legislative enactments will cause any permanent increase, or the contrary, in its value.

I saw that you were much puzzled once when your uncle and I were talking of the *value of the sovereign*. You thought, no doubt, that sovereigns and shillings were of a fixed and unalterable value; and as far as regards their shape and weight they are so. But really and practically they are no more than pieces of gold and silver, worth just as much as you can get in exchange for them, and no more. A sovereign represents so much land or so many legs of mutton, or pieces of ribbon, or cricket bats, or anything else that we may require. If there are only a very few legs of mutton in the market, and plenty of sovereigns to buy them with, the holders of money must (*practically*) compete with all other persons requiring meat, and give as much for it as any of them will pay. If, on the other hand, legs of mutton are numerous, and there are very few sovereigns in circulation, the tables are turned—the butcher must compete (in the same way as before) for the money, and give as much meat as others will in return for the gold. Therefore, when you say that certain things are *cheap* or *dear*, you mean, in other words, that they are relatively plentiful or the reverse. You were also no doubt puzzled to hear us talking of the *price of money*. The price of money is the price or rate of interest at which you can *borrow money*. As in the instances I have just given you you will see that when money is plentiful a person in good credit can obtain it at a lower rate of interest than when it is scarce.

For the gradual reduction of the principal of the National Debt, *sinking funds* were established; the first by Sir Robert Walpole in the year 1716, the second by Mr. Pitt in 1786. By the latter an estimated surplus of 900,000*l.* in the revenue was augmented by taxes, so as to make up a sum of one million; and this was to be applied every year towards paying off the public creditors. As long as this, or *any* surplus remained over expenditure, it might be properly and successfully applied to this purpose; the time came, however, when there was no such thing, but the sinking fund did not disappear with it. We were soon at war again, and obliged to make new loans to supply a *deficiency*, but the 900,000*l.* were still applied as before, and the fund still deserved (in one sense) the term by which it was known, for it was sinking the nation deeper and deeper in debt. We were discharging liabilities upon which a small amount of interest was due with one hand, and contracting fresh ones

upon which we had to pay a large interest with the other. We were, in fact, following the example of the Irishman in the story, who, finding that his blanket was not long enough to cover the upper part of his bed, cut a piece off its other end to supply the deficiency! The financiers of the day were deluded by a fascinating theory that the sinking fund accumulating upon *compound interest* (that is, interest upon interest) would in time equal the debt. Dr. Price, at whose instigation the second sinking fund was established, attempted to prove this by various calculations. But to secure the marvellous increase effected in time by compound interest, all the proceeds must be re-invested and added to the capital, not expended as income; and this was never actually done.

One of the methods successfully adopted for decreasing the amount of interest paid upon the funds, was for Government to offer—when it had a surplus in hand—to redeem sums of stock unless the holders agreed to accept a lower rate upon them; and as this was proposed at the market price of the day, they were generally willing to do so.

Another attempt, however, is now being made to reduce the National Debt by establishing a *sinking fund*. By the Act of 1875, which I have already mentioned, called the "Sinking Fund Act," an annual sum of 28,000,000*l.* is charged upon the consolidated fund, and after paying interest on exchequer bonds and certain specified annual charges, the National Debt Commissioners are directed to apply the surplus, which is to be called the New Sinking Fund, to pay off and redeem certain portions of the National Debt.

The amount of debt paid off by the New Sinking Fund in each of the under-mentioned financial years was as follows:—

1875-6	£297,241	18 5
1876-7	297,253	17 9
1877-8	1,165,976	12 11*
Total amount paid off . .	1,760,472	9 1
Total amount of National Debt at 1st April, 1875 .	£775,348,686	
,, ,, 31st March, 1878 . .	777,781,596	
Increase of total amount of National Debt between above dates	£2,432,910	

*£356,685 10*s.* 8*d.* of this was paid off with money proper to the year 1876-7.

Actual amount of Debt paid off by the New Sinking Fund in 1878-9	£661,533 3 3
Estimated Net Increase of the Total Amount of the National Debt in 1878-9	£267,750 *

Most other nations have contracted public debts, but the National Debt of England exceeds the heaviest known, with the exception of that of France since the German war; and this fact is often thrown in our teeth, when the greatness of our country is the subject of discussion. But such is the vastness of our trade and the elasticity of our resources, that the impost is by no means insupportable. Indeed some maintain that we are better off with it, than we should be without it. I do not go so far as this. The debt, however, is the price we pay for the position (out of all proportion to their geographical limits) which these little islands have won. Some of the wars for carrying on which it was incurred, might have been averted probably, or brought to speedier termination; but others were most necessary, and, taking the rough with the smooth, it is very fair that posterity should bear a portion of the burden, as they participate in the experiences and benefits it secured.

The following table will show you the amount of the National Debt (both funded and unfunded) at various periods of our history down to the year 1878.—

Year.	*Occasion.*	*Amount.*
1688.	On the accession of William III.	£664,263
1702.	On the accession of Queen Anne	16,500,000
1714.	On the accession of George I.	54,000,000
1749.	At the end of the Spanish war	78,000,000
1763.	At the end of the Seven Years' war	139,000,000
1786.	Three years after the American war.	268,000,000
1798.	After the Irish rebellion and foreign war . . .	462,000,000
1802.	Close of the French revolutionary war	571,000,000
1814.	Close of the war against Buonaparte	865,000,000
1817.	When the English and Irish Exchequers were consolidated	840,850,491
1850.	. . . . .	790,927,016
1856.	Conclusion of the war with Russia	803,913,694
1860.	. . . . .	804,285,240
1864.	. . . . .	811,290,829

* The net increase of Unfunded Debt in the year 1878-9 was £5,267,100, made up as follows:—Net amount raised for local loans, £2,730,000; ditto for supply, £2,600,000; Suez Bonds paid off, £62,900; total, £5,267,100.

Year.	*Occasion*	*Amount.*
1866.	. . . . .	£807,563,924
1869.	. . . . .	805,480,164
1870.	. . . . .	801,406,561
1871.	. . . . .	796,104,155
1872.	. . . . .	792,661,132
1873.	. . . . .	785,761,762
1874.	. . . . .	779,283,245
1875.	. . . . .	775,348,386
1876.	. . . . .	776,970,544
1877.	. . . . .	775,873,713
1878.	. . . . .	777,781,596

Our average revenue during the reign of William III. was about 4,000,000*l.*; in that of George I. it was 6,000,000*l.*; in that of George II., 8,000,000*l.*; in the year 1788, it had risen to 15,572,971*l.* In 1820 the sum raised by taxes in the United Kingdom was 65,590,570*l.*; in 1825 it fell to 62,871,300*l.*; in 1830 it was 55,431,317*l.*; in 1835, 50,494,732*l.*; in 1845, 51,067,856*l.*; in 1850, 52,951,478*l.*; in 1855, during the Russian war, 84,505,788*l.*; in 1864, 70,313,000*l.*; in 1869, 72,591,991*l.*; in 1870, 75,434,252*l.*; in 1871, 69,945,220*l.*; in 1872, 74,708,314*l.*; in 1873, 76,608,770*l.*; in 1874, 77,335,657*l.*; in 1875, 74,921,873*l.*; in 1876, 77,131,693*l.*; in 1877, 78,565,036*l.*; in 1878, 79,763,299*l.*

With regard to the disparity in value which exists between our exports and our imports, I may observe that it used to be urged that it showed an unsound state of commerce. The *balance of trade*, it was said, was against us, as we *took* more from foreign nations than we *gave*. You will see the fallacy of this argument at once if you bear in mind that England is a large owner of property in almost every quarter of the globe, and that much that she imports is her own, and consequently has not to be paid for at all. If a merchant in England owns coffee estates in Ceylon or Brazil, and imports the produce into England, it is clear that he need export nothing in return, as he is simply bringing home what is his own. The fact, then, that our imports greatly exceed our exports is, if anything, a sign of prosperity and wealth, and certainly not of decadence and bankruptcy. The wealth of British capitalists abroad has during the last fifty years increased to an enormous extent, and may be said to amount to several thousands of millions of pounds.

To show you the wealth of our country, the declared value of British Exports and Imports, during ten years, is as follows :—

Year.	Imports.	Exports.
1868.	£294,693,608	£179,677,812
1869.	295,460,241	189,953,957
1870.	303,257,493	199,586,822
1871.	331,015,380	223,066,162
1872.	354,693,624	256,257,347
1873.	371,287,372	255,164,603
1874.	370,082,701	239,558,121
1875.	373,939,577	223,465,963
1876.	375,154,703	200,639,204
1877.	394,419,682	198,893,065

The total annual income of this country (not the national revenue) has been estimated by some eminent authorities at eight hundred millions sterling.

LETTER IX.

LOCAL GOVERNMENT.

Its Principle, Origin, and Objects—High Sheriff and Lord Lieutenant of the County—Local Government Board, Public Health Act—Local Rates—The Parish and its Officers—The Constable—Churchwardens—Surveyor of Highways—The Vestry, General and Select—The Poor Law—The Law of Settlement—Operation of the Old Poor Law—The New Poor Law—Municipal Corporations—Town Councils—Mayor and Aldermen—Boards of Health—Improvement Commissioners—The Metropolitan Board of Works.

You now know how the general government of the kingdom is carried on. I purpose, in this Letter, to show you how the affairs of the counties, cities, boroughs, and parishes of which it is composed are regulated.

It is a fundamental principle of the British Constitution, that all persons and communities shall be allowed to manage their own affairs as long as they do so regularly and according to law. For it is only natural to conclude that those whose comfort and welfare are to be considered, who will be the first and principal sufferers by neglectful or bad government, are much more likely to know what ought to be done than strangers, however well intentioned they may be, who have not the same knowledge and experience. The powers of local governments are fixed by the common law, by charter from the Crown, and by Act of Parliament.

The most ancient division of the country for the purpose of self-government was into shires, hundreds, and tithings. At present the usual divisions are counties, hundreds, boroughs, and parishes. The ministerial and judicial business of the county is transacted by the High Sheriff, the Coroner, and the Justices of the Peace, and is enforced in it by the former and his officers. The Lord Lieutenant of a county had formerly power to call out the Militia of his county, which he commanded, and the officers' commissions in which he signed. But by an Order in Council, dated March 30th,

1872, the Queen has re-invested in the Crown the jurisdiction of Lieutenants of Counties with respect to the Militia; and now all commissions in that auxiliary force will be prepared, authenticated, and signed in the same manner as the commissions of officers in her Majesty's regular forces. But the Lord Lieutenant will recommend for the consideration of the Secretary of State, for submission to her Majesty, the names of candidates for first appointments to the rank of subaltern. A vacancy in the rank of subaltern will be notified to the Lord Lieutenant by the Secretary for War.

The Lord Lieutenant is also frequently the *custos rotulorum*, or keeper of the records of the county, and attends the Sovereign when he passes through it. The post of Lord Lieutenant in counties was instituted in England by Edward III., in the year 1349, and extended to Ireland in 1831. The appointment, which is a purely honorary one, is made by the Crown, and is for life.

The office of Sheriff is of much greater antiquity. His office is of Saxon origin, and its name is derived from the words *shire gerefa*, or *shire reeve*. He was inferior to the Earl only when that was the title of the county's military governor, and is now the chief man in it as his successor.

Sheriffs, by virtue of several old statutes, are to continue in their office no longer than one year, but a sheriff may be appointed *durante bene placito*, and so is the form of the royal writ. Therefore until a new sheriff be named, his office cannot be determined. On expiration of his office, he must deliver to his successor a correct list of all prisoners in his custody, and of all unexecuted process. No man who has served the office of sheriff for one year can be compelled to serve again within three years after, if there be other sufficient person within the county. The discharge of this office is in general compulsory upon the party chosen; and if he refuse to serve, having no legal exemption, he is liable to indictment or information. Certain persons, such as militia officers, practising barristers, attorneys, and prisoners for debt are not liable to serve; nor are persons under disability by judgment of law (as in the case of outlawry) to be appointed. No person can be assigned for sheriff unless he have sufficient lands within the same to answer the Crown and people. And this is the only qualification required for the office.

His powers and duties are various:—

Judicially, he superintends the election of knights of the shire, coroners, and verderers, and proclaims outlawries and the like. As *keeper of the Queen's peace*, both by common law and special commission, he is the first man in the county, and superior in rank to any nobleman in it during his office. *Ministerially*, he is bound to execute all civil and criminal process issuing out of the superior courts, and in this respect is considered an officer of these courts. He is also the returning officer for his county, and he opens the elections for members of Parliament, and has various duties to discharge in reference to such elections. As the *Queen's bailiff*, it is his business to preserve her rights within his bailiwick—*i. e.*, county.

He has under him several inferior officers, as an under-sheriff, bailiffs, gaolers, &c., to assist him in the execution of his several offices.

The manner in which sheriffs are appointed is as follows:—The Lord Lieutenant prepares a list of persons qualified to serve, and returns three names, which are read out in the Court of Exchequer upon the morrow of All Souls' Day, when the excuses of such as do not wish to serve are heard, and if deemed sufficient, the objector is discharged. The list is then sent to the Sovereign, who, without looking at it, strikes a bodkin amongst the names, and he whose name is pierced is elected. This is called "*picking for sheriffs*." The affairs of the boroughs are administered by the municipal corporations, and of the parishes by the Churchwardens, the Vestry, or the Local Board, as the case may be.

Local Government was, until very recently, carried on by a variety of separately constituted bodies, owning no central authority, and frequently conflicting with each other in their public functions. The authority of these bodies was in some cases of very ancient origin, whilst in other cases it was derived from special Acts of Parliament, passed to meet the necessities of more modern times. Poor Law Boards, Public Health Boards, Highway Boards, and other distinct local authorities were successively created to supplement existing methods of administering the law. To each was allotted a district, and each had a separate organisation, and in many instances discharged similar functions to some other and independent authority.

No serious attempt was made to remedy this state of affairs until 1871, when an Act was passed constituting the "Local Government Board," and concentrating in one department of the Government the supervision of the laws relating to the public health, the relief of the poor, and local government.

The Local Government Board consists of a president, appointed by the Queen, and the following *ex officio* members:—The Lord President of the Council, the Lord Privy Seal, the Chancellor of the Exchequer, and the five principal Secretaries of State.

The Board, it will be seen, is a political body, and changes with the Government.

The country is divided for the purposes of local government into counties, which are in turn divided into parishes and into districts, which are created by special Acts of Parliament.

Several parishes are sometimes joined together to form one district; and, on the other hand, a large parish is frequently divided into a number of districts.

In 1875 the Public Health Act was passed, for consolidating and amending existing law, and England was divided for the purposes of that Act into—1. Urban sanitary districts, and 2. Rural sanitary districts; and these districts are respectively made subject to the jurisdiction of the local authority, such as the "Town Council," "Local Board," or "Board of Guardians," who are invested with the powers of administering the provisions of the Act.

The metropolis is excepted, and I shall hereafter point out how the provisions of this Act have been extended by subsequent legislation, and to how great an extent the machinery of this Act has been utilized for the various purposes of local government.

The principal objects of local government are the preservation of peace and order; the education of the people; the relief of the poor; the erection and maintenance of public buildings, lunatic asylums, halls, and libraries; the making, paving, and lighting of roads and streets; the repairing of bridges; the regulation of markets, hackney coaches, and public carriages; the laying down of rules for preserving the public health and convenience, &c. The money required for these purposes is raised by levying *rates*. Every person who is not exempted by extreme poverty, or

some privileges, which I need not particularize, is *rated* according to the value of the premises which he occupies. The sum required for the rate is estimated, and each liable person is called upon to pay his portion; when you hear, therefore, of a poor, or any other rate of one shilling in the pound, it means that for every pound at which a person is rated, according to the value of his house or property, he has to pay that sum.

I shall tell you hereafter how justices of the peace are appointed. They levy the county rates for maintaining the police, &c., &c. The Lord Lieutenant and his deputies regulate the country militia.

The constitution of *parishes* and *municipal corporations* must now be considered.

The *constable** was formerly the chief man in the parish, for then the parish was responsible for all robberies committed within its limits if the thieves were not apprehended. It was, therefore, the interest of the community to elect to this office the person who was most competent to prevent the commission of crime. But this state of things has long passed away; the parish may no longer be called upon to restore the value of stolen goods; and although constables are in some few instances still appointed, their duties are almost entirely performed by the county police. And it was provided by an Act of 1872 that for the future no parish constable should be appointed unless the County Quarter Session or the Vestry should determine it to be necessary.

When the religion of this country was Roman Catholic, costly ornaments, and very often large sums of money, were kept in the parish churches, and men of character were there-

* "The next officer mentioned after the sheriff in Magna Charta (c. 24), is *constabularius* or *constable*, which is sometimes derived from the Saxon, but other authorities have considered it more truly to come from the Latin *comes stabuli*, a superintendent of the imperial stables, or master of the horse. This title, however, began in the course of time to signify a commander, in which sense it was introduced into England. In the clause of Magna Charta referred to, the word is put for the constable or keeper of a castle, frequently called a castellan: indeed the term is still used occasionally in this sense in England, the governor of the Tower of London being styled *Constable of the Tower*. They were possessed of such considerable power within their own precincts, that previously to the Act of Magna Charta, they held trials of crimes, properly the cognizance of the Crown, as the sheriffs did within their respective bailiwicks; and sealed with their own effigies on horseback."—*Creasy's Rise and Progress of the English Constitution.*

fore required to take charge of them, and to stand between the ignorant country people and their clergy, who monopolized all the learning of that time, and often sought to encroach upon the rights of their fellow-subjects. *Churchwardens* were therefore appointed by the Synod of London in the year 1127, and continue to this day to be elected, to see that the parson does his duty, and to exercise authority over the building of the church, and the performance of its services. Two churchwardens are generally appointed annually, the one by the rector, vicar, or incumbent, the other by the parishioners. The following description of persons are exempt from serving the office of churchwarden, viz. :—Aldermen, apothecaries, or members of the apothecaries' company by charter, attorneys and solicitors, barristers, clergymen, clerks in court, dissenting teachers, militiamen, members of parliament, peers, physicians, prosecutors of felons, surgeons, magistrates, revenue officers, officers of the courts of law, captains of the guards, persons attendant on the Queen, officers in the army, navy, or marines, whether on full or half pay; and no person living out of the parish, although he has or occupies property within it, can lawfully be chosen churchwarden.

The parish is bound to maintain the highways which pass through it in good order, and for this purpose *surveyors of highways*, or, as they were anciently called, *waywardens*, were formerly elected by the parishioners and held office for one year. Subsequently, Highway Boards were established and highway districts formed, but by an Act passed in 1878, highway districts may be made coincident in area with rural sanitary districts. The waywardens may be discharged, and a district surveyor of highways appointed in their stead, whilst the functions of the Highway Boards are to be discharged by the rural sanitary authorities. This Act, however, is not compulsory in its application, and the county authority may, if they think fit, refuse to allow its provisions to be enforced, and in such case the Highway Board will retain its powers.

A *vestry* is a body of the ratepayers of a parish elected to conduct and regulate its business, including the appointment of its officers. When it is elected by the ratepayers at large it is called a *general* vestry; if (as is more frequently the case), its members select their own companions and successors, it is called a *select* vestry.

The maintenance of its poor is the most important duty of the parish, and as this is a subject upon which you ought to be informed, I will give you a brief sketch of the origin and progress of the laws relating to it.

Previously to the dissolution of the monasteries, the maintenance and relief of the poor were secured by the great religious houses: their endowments being required, in most cases, by the charters of foundation, and in all, by the statute of Carlisle (Ed. I. A.D. 1306), to be expended to the honour of God and in support of His poor. When these institutions were suppressed, and their property distributed among the monarch's courtiers, the helpless and indigent, the aged and the young, were at once deprived of all provision. The greedy rapacity of the king's attendants, and the absorbing controversies of religion, were not favourable to the discovery or the adoption of any substitute for the funds so disposed of. All that the authorities of that time devised were severe and stringent measures directed against the numerous mendicants by whom the country began to be infested. Vagrancy and begging were made punishable by whipping, the stocks, the pillory, imprisonment, and death; and the executions of "sturdy beggars," as they were termed, increased year by year, until, in the last years of Henry VIII.'s reign, no fewer than 38,000 persons were put to death for this species of offence! The same repressive system followed under the subsequent sovereigns, until the power of Queen Elizabeth having been firmly established towards the latter part of her reign, the foundations of a new system were laid. This was done by an Act passed in the 43rd year of that queen. Its principal provisions were, that a fund or stock should be raised in each parish, out of which such poor persons as were able to labour should be set to work, and the feeble should be helped and maintained. The churchwardens were appointed, together with three or four more persons of substance, *overseers of the poor*. The operation of the statute was found beneficial; and the lawlessness and violence, which had not been suppressed by barbarous enactments, disappeared by degrees. Gradually an entirely new code of legislation arose, as experience developed the benefits and the disadvantages of the system; and its ramifications embraced, as well the support of the indigent, as the adjustment of the liabilities of the contributors. Thus, in the time of Charles II. the parish, which had enjoyed the benefit of a

man's residence as a contributor to the parish rates, or as a labourer when he was able to support himself, was bound to maintain him when in distress, in preference to that where he might become in want. Hence arose what is called *the law of settlement*. The contribution itself was called the poor-rate, and the contributors ratepayers. The ratepayers had not the power of electing the overseers of the poor directly, these officers being nominated by justices of the peace. In many parishes the overseers of the poor were assisted, and sometimes controlled, by a select vestry.

In the course of nearly three centuries some abuses of greater or less magnitude could not but be expected to grow around the system. The chief source of these was alleged to arise from the administrators of the rate being appointed by others than the ratepayers, and the great evil apprehended was that a class of persons receiving relief, habitually and as the ordinary rule, were growing up under this system, and that to be a *pauper* (as the receivers of relief are called), was becoming a recognized and actual condition, or state, in the ranks of social life.

This general feeling, assisted by many matters of minor character, led to the enactment in the 5th and 6th years of William IV., of what is called a *test* for pauperism (a somewhat different thing from poverty, but which may be described as that state of destitution requiring to be relieved out of the poor-rate), by requiring that no relief should be given to any person whatever, except in the workhouse; but as many of the parishes in this country are so small as not to need or possess a workhouse, in order to apply this test several parishes were by the act joined together for the purpose of supporting such an establishment in common. These parishes thus joined together were called *Unions*, and for their government, and for the performance of a great number, but not all, of the powers of the overseers of the poor, a number of persons called *Guardians of the Poor*, were constituted a Board. These are elected by the ratepayers annually in each parish of the Union.

In addition to the *Guardians* there are in each parish *Overseers* appointed by the justices, who are empowered to grant prompt relief in cases of pressing emergency, and whose duty it is to make and collect the rates. Neither the *guardians* nor *the overseers* are paid, but a paid *assistant overseer* may be appointed in certain cases by the guardians.

The old Poor Law Board is now abolished, and the supervision which it formerly exercised is transferred to the Local Government Board, the constitution of which I have already explained.

The experience of a quarter of a century has modified the rigorous theory of the Amendment Act, and now a plan of administering relief in two modes—inside the workhouse and at the residence of the pauper (called out-door relief), is permitted.

It may be added, that the legislature has provided remedies for a parish or union which may consider itself aggrieved, and for a ratepayer in the same position. The Justices in Petty Sessions are empowered to hear and determine complaints as to the amount of the rate levied. But "an appeal" is allowed from their decision, whereby, if an union be called upon to maintain a pauper not belonging to it, or a parishioner is required to pay out of proportion to his neighbours, or for improper charges, the interference of the Court of Quarter Sessions is invoked. Against improper charges an additional remedy is provided by the appointment of an officer called a "Poor Law Auditor," whose duty it is to check every account in connexion with the poor-rate and its expenditure, and who has power to disallow any item not justified by law.

I now come to the *Municipal Corporations.* In the year 1833, a royal commission was appointed to inquire into their state, and it being reported that they had degenerated into great inefficiency and corruption, an Act of Parliament was passed, by which most of the then existing Corporations were dissolved, and replaced by a municipal body consisting of mayor, aldermen, and burgesses. This law is known as the "Municipal Corporations Act."

All persons of full age, who have occupied for three years a house or shop within the limits of the borough to be incorporated, and those who have regularly resided within seven miles of its limits, and have during that time been rated to the relief of the poor of some parish in the borough, are entitled to be placed on the list of burgesses. The borough is divided into *wards,* or districts, and by the burgesses in every ward the *Common Councillors* are elected. The number of councillors is fixed by the Act for each borough, and one-third of them go out of office every year. The councillors elect *Aldermen,* whose number is one-third of their own.

Thus is formed the *Town Council*, which elects the *Mayor*, whose business it is to preside over it. He holds office for only one year, but may be re-elected. Half the aldermen go out of office every third year, but may be re-elected. The town-council lay the borough rates.

In many populous towns not incorporated, *commissioners* and *boards*, such as *Local Boards of Health*, *Improvement Commissioners*, &c. &c., are elected by the ratepayers, under the authority of Parliament, to conduct useful works, and to manage the local business.

Local government in the Metropolis was organized in 1855. The affairs of metropolitan parishes (exclusive of the City of London) are administered by Vestries and District Boards elected by the ratepayers. A body called the Metropolitan Board of Works, the members of which are elected by the Council of the City of London, the Vestries and District Boards of the Metropolis, has control over the action of the Vestries and District Boards, and levies rates for the purpose of carrying out drainage works and improvements of various kinds in the Metropolis.

LETTER X.

THE CHURCH.

History of the Church of England—Authority of the Pope—The Reformation—Puritans—Roman Catholics—Jews, Disabilities of—Constitution and Discipline of the Church—Bishops—Dean and Chapter—Priest—Deacon—Tithes—Ordinations—Church Accommodation—Convocation—Dissenters—Kirk of Scotland—Church in Ireland—National Education.

In order to give you a right understanding of the relations of the ecclesiastical system and the Constitution of this country, it will be necessary briefly to sketch the history of the Church in England.

It is an undoubted fact that Christianity was very early introduced into this country whilst it was in the hands of the Romans, probably in the first instance through Roman soldiery, and tradition points to the numerous old churches dedicated to St. Paul, as a confirmation of the assertion that he was the apostle of Britain. However this may be, certain is it that in the third century numerous Christian congregations existed here, and the older chroniclers declare, with a fond pride, that Britain produced the first Christian emperor (Constantine the Great), the first Christian king (Lucius), and the first Christian monastery, that of Bangor in Wales. The Saxons, being idolatrous and exterminators, persecuted the native believers, and drove them into the Welsh mountains. There they were found when Pope Gregory the Great sent hither the monk Augustine and his companions, on the occasion of the conversion of Ethelbert, King of Kent. Before this time the British Church was governed by its own bishops. Some of these were present officially at the Council of Sardica, A.D. 347; of Ariminum, A.D. 359; and of Arles, A.D. 428-29, but Augustine, who did not come to Britain till 168 years later (A.D. 597), by coercion as well as persuasion

induced the scattered bodies of the faithful to acknowledge his authority as *primate*, whilst he himself admitted the superiority of the Roman pontiff. There was, moreover, a Primitive British Liturgy differing greatly from the Roman; Augustine endeavoured to supplant this. A compromise was effected, the result of which was to leave lasting proof of the early contest with Rome even in the structure of the service books in use before the Reformation. The return to these contested points in our Reformed offices is one great proof of the continuity of the British Church to the present day. Augustine, upon being consecrated Archbishop of Canterbury, received a present of a *pall* from the pope, and each of his successors applied for and obtained a like mark of distinction for many years after from succeeding occupants of the papal chair, until it was asserted that an Archbishop of Canterbury could not enter upon his functions unless and until it was granted. This "pall" is an ecclesiastical vestment somewhat resembling in shape the hood now worn by clergymen to indicate the university degree of the wearer, and a symbol of it is still retained in the emblazonment of the arms of the province of Canterbury. Under the Norman kings, and the early Plantagenets, the claim to present this pall, and the rights which it was supposed to confer, were stoutly resisted. But what Henry II. refused to Thomas à Beckett was conceded by his son John, who, as you know, humiliated himself so far as to hold his very crown as a *fief* under the pope Notwithstanding the famous statute of *præmunire*, passed in the reign of Richard II., which is still unrepealed, and which I shall have occasion to mention again, the general results of various compromises made between different monarchs and popes amounted to this:—That, whilst in matters of faith and (to some extent) of discipline also, the Church of England gave obedience to Rome, in matters connected with the choice of bishops and the enjoyment of temporalities the royal supremacy was admitted. Thus it will be seen that the National British Church was never wholly under the pretentious sway of the Papal See.

The first stage of the Reformation in the reign of Henry VIII. was not made in reference to doctrine. The right of appeal from the English courts to the pope was that against which the king's policy was directed in the beginning, and the operation of the statute 25th Henry VIII. chapter 20,

was to establish the jurisdiction of the Crown and the king's tribunals, in entire independence of any foreign potentate. The words of what is called the *bidding prayer* (still used in cathedrals and other churches before sermon) indicate clearly the intention of the Constitution upon this point. It runs as follows:—"Ye shall pray for all Christian kings, &c., and especially for our Sovereign Lady Queen Victoria, defender of the Faith, *over all persons, and in all cases ecclesiastical and civil within these her dominions supreme.*" It is in this sense that the sovereign is called "the supreme head of the Church."

The policy of Elizabeth and of the Stuarts was to establish the Church of which they were members as the sole and exclusive form of religion. Hence non-attendance at a man's parish church and non-conformity to its ordinances, were made by Convocation—of which I shall treat hereafter—the subject of spiritual censure, and by Parliament, of civil penalties, even of *death*. The theory of the Church down to so late a period as the reign of George IV., according to the Constitution, was that of an ecclesiastical corporation co-extensive with the State, every English subject being also an English churchman, and the Church a body absolutely *national*. Two great religious sections maintained a constant and, eventually, successful struggle against this theory,—I mean the Puritans and the Roman Catholics. The former party resorted to arms, and their victory in the contest against Archbishop Laud and his sovereign displaced for twelve years both the Church and her royal head. On the restoration of Charles II. the former doctrine was revived; and it was not until the accession of William III. that the *Act of Toleration*, permitting Protestants to meet to celebrate divine service after other forms than the Liturgy—and in other places than the temples—of the Church of England was passed. More than a century and a half elapsed before persons who did not conform to the religion established by law were allowed to enter Parliament, and to take office in municipal corporations. Every man elected to either was obliged to partake of the holy Sacrament, according to the rites and doctrine of the Church of England, as a *test*. It was not until the year 1828 that the statute imposing this test was repealed. Thus terminated the contest with the first religious section I named. The result was that there was no longer a Constitution exclusively *Church of England*,

but one necessarily *Protestant*. The following year saw the final success of the Roman Catholic body. Like the Protestant Dissenters, they had obtained various instalments of toleration. The objection to admit them to full rights of citizenship was based rather upon political than theological grounds, and they endured for many years the most vexatious disabilities intended to prevent their gaining wealth and influence, before it was discovered that being a papist did not prevent a man from also being an honest and a loyal subject. The Roman Catholic Relief Act, passed in the year 1829, placed Roman Catholics upon the same footing with their Protestant fellow-countrymen, and there were no offices from which Roman Catholics were to be excluded, except those of Regent, of Lord Chancellor of England or Ireland, and of Viceroy of Ireland. Until 1858 British subjects professing the Jewish religion were excluded from senatorial rights and honours, not by any direct enactment of the legislature, but because the wording of the oath of supremacy, which had to be taken by all members of Parliament, prevented them from subscribing it; concluding, as it did, in the words, "*upon the true faith of a Christian.*" This form of words was adopted, when this oath was framed, to prevent the jesuit adherents of the Pretender from swearing fealty to the king *de facto* with a mental reservation, but indirectly it had the effect I have stated. Our Jewish fellow-subjects could be judges, sheriffs, and magistrates. They could be called upon to carry the laws into execution, but had no part in framing them; they had to pay taxes, but had no voice in imposing them. They might vote at elections for others; nay, more! —they could be elected themselves, but could not take their seats. They might write M.P. after their names, but the doors of the Parliament house were firmly closed against them. At last, however, after considerable opposition from the House of Lords, the excluding oath has been modified, so as to admit the Jews to legislative honours; and now the necessity for any religious profession whatever as a condition for becoming a member of Parliament, is no longer in existence.

Thus the Church of England gradually ceased to be what at one time she was, and what many statesmen consider she ought to have remained—an integral and indivisible part of the Constitution. But although she has no longer the ancient prerogatives and high privileges that once were hers, she still

occupies a position and exercises an influence it is impossible to overlook, in a recapitulation such as I wish to make. Her antiquity and associations, her wealth and dignity, her venerable and majestic ritual, the learning and courageous exertions of her clergy, preserve for her respect and reverence, and are the legitimate foundations upon which the authority and power she exercises (independently of secular enactments) are substantially based. A short account, therefore, of the ecclesiastical system of the Church of England, as it now exists, cannot properly be omitted.

The whole of England and Wales is divided for church purposes into two *provinces*, Canterbury and York. The former is governed by its Archbishop and his *suffragans*, or inferior prelates, who are the Bishops of London, Winchester, Bangor, Bath and Wells, Gloucester and Bristol, Chichester, Ely, Exeter, Hereford, Llandaff, Lichfield and Coventry, Lincoln, Norwich, Oxford, Peterborough, Rochester, Salisbury, St. Asaph, St. David's, Worcester, St. Albans, and Truro. The province of York is governed by its Archbishop, and the Bishops of Durham, Carlisle, Chester, Manchester, Ripon, and Sodor and Man are his suffragans. In addition to his province and the appellate jurisdiction connected therewith, each archbishop has a particular district within which he exercises original authority. The district over which a suffragan bishop presides is called his *diocese*, or *see* (from the Latin word for a *seat* or *chair*). This diocese is divided into archdeaconries, each archdeaconry into rural deaneries, and rural deaneries into parishes. I subjoin a table of the English and Welsh dioceses and their several jurisdictions :—

	Diocese	Jurisdiction
Province of Canterbury.	Canterbury (Archdiocese) . . .	All Kent (except the city of Rochester and deanery of the same), the parishes of Addington and Croydon, together with the district of Lambeth Palace, in the county of Surrey.
	Bath and Wells . .	Nearly the whole of the county of Somerset.
	Chichester . . .	The whole county of Sussex.
	Ely	Nearly the whole of Cambridgeshire, Huntingdonshire, and Bedfordshire, and part of Norfolk and Suffolk, adjacent to Cambridgeshire.

	Diocese.	Jurisdiction
The Province of Canterbury.	Exeter	Cornwall and Devonshire, and the Scilly Islands.
	Gloucester and Bristol	Gloucestershire and city of Bristol, a part of Wiltshire adjacent to Gloucestershire, and the parish of Bedminster.
	Hereford	Herefordshire and part of Salop, Monmouth, Radnor and Worcester shires.
	Lichfield	Staffordshire, and the greatest part of Derbyshire, Warwickshire, and Salop.
	Lincoln	Lincoln and Nottingham shires.
	London	London and Middlesex.
	Norwich	All Norfolk and Suffolk, with the exception of the Archdeaconry of Sudbury.
	Oxford	Oxfordshire, Buckinghamshire, Berkshire, and parts of Wiltshire.
	Peterborough	Northampton, Rutland, and Leicester shires.
	Rochester	The deanery and city of Rochester in Kent; and all the parishes wholly or partly in the parliamentary divisions of East Surrey and Mid Surrey, and all the parishes in the county of Surrey which previous to 1875 formed part of the Diocese of London.
	Salisbury	All Dorsetshire, the parishes of Holwell (Somerset) and Thorncomb (Devon), and parts of Wiltshire and Berkshire.
	St. Albans	The counties of Hertford and Essex (taken from the diocese of Rochester) and of that part of Kent which lies north of the Thames.
	Truro	The Archdeaconry of Cornwall.
	Winchester	Surrey (except certain parishes near London), Hants, Guernsey, and Jersey.
	Worcester	Nearly all Worcestershire, the Archdeaconry of Coventry, and parts of Staffordshire and Gloucestershire.
Wales.	St Asaph	The whole counties of Flint and Denbigh, and parts of the counties of Salop and Montgomery.
	Bangor	The whole counties of Anglesea, Carnarvon, and Merioneth, and part of Montgomery.
	Llandaff	The counties of Glamorgan and Monmouth.
	Saint David's	Parts of Carmarthenshire, Pembrokeshire, Brecknockshire, Radnorshire, Cardiganshire, Montgomeryshire, and Herefordshire.

	Diocese	Jurisdiction
The Province of York.	York (Archdiocese) .	All the county of York not in the diocese of Ripon.
	Durham . . .	The counties of Durham, Northumberland, and the district called Hexhamshire.
	Carlisle . . .	The counties of Cumberland and Westmoreland, and the deaneries of Furness and Cartmel in Lancashire.
	Chester . . .	The county of Cheshire, with the archdeaconry of Liverpool.
	Manchester . .	Almost the whole of Lancashire.
	Ripon	The greater part of the West Riding of Yorkshire.
	Sodor and Man . .	The Isle of Man.

In addition to the above, provision has been made, by the Bishopries Act, 1878, for the foundation of four new bishoprics as soon as the requisite funds for their endowment shall have been provided. The value of this endowment fund is not to be less than three thousand five hundred pounds a-year; and when this sum is provided in the manner mentioned in the Act, Her Majesty may, by Order in Council, found that new bishopric with a diocese and cathedral church.

The proposed new bishoprics are as follows:—

	Diocese.	Jurisdiction
The Province of York.	Liverpool . . .	The West Derby hundred of the county of Lancaster, with the exception of so much of the said hundred as is now in the diocese of Manchester, and to include the whole of the ancient parish of Wigan.
	Newcastle . . .	The county of Northumberland, and the counties of the towns of Newcastle-upon-Tyne and Berwick-upon-Tweed, the detached portions of Northumberland and the ancient parish of Alston, with its chapelries, in the county of Cumberland.
	Wakefield . . .	That part of the diocese of Ripon which lies southward of the northern boundaries of the ancient parishes of Halifax, Birstal, Batley, West Ardsley, East Ardsley, and Wakefield, or of so much of that part as may be determined by the order of Her Majesty in Council.
The Province of Canterbury.		
	Southwell . . .	The counties of Derby and Nottingham.

The principal church of the diocese is called the *cathedral* (from the Greek word of the same import), because it contains the episcopal *seat* or *throne*. The title *bishop* is derived from the Greek *episkopos*, through the Saxon *biscop*, both signifying an overseer, or superintendent, "so called from that watchfulness and faithfulness which by his place and dignity he hath and oweth to the church." Formerly bishops were elected by the clergy and people, but now the right to appoint them is in the Crown. The form of an election by the chapter of the diocese is still preserved in sees of old foundation. When a vacancy occurs the sovereign sends a permission to them to elect (called a *congé d'élire*), together with a *letter missive*, recommending the person therein named. Obedience to this recommendation is secured by the famous statute of *præmunire*, and some acts of Henry VIII., which direct, upon any delay or refusal, a forfeiture of all the real and personal property of the recusant parties, with imprisonment at the king's pleasure, and other penalties. Appointments to bishoprics of recent foundation are now made by order of the Queen in Council, or by letters-patent direct from the Crown. We have seen that a bishop is a peer of Parliament, and sits in the House of Lords. But this privilege is not extended to the newly appointed bishops, and it is expressly provided in the Bishopric of St. Albans Act, 1875; the Bishopric of Truro Act, 1876; as well as in the New Bishoprics Act, 1878, to which I have already referred, that the number of Lords Spiritual, sitting and voting as Lords of Parliament, shall not be increased by the foundation of new bishoprics in pursuance of those Acts. The right of bishops to sit and vote in the House of Lords does not attach to any particular sees, but is regulated by seniority of consecration, the number only being limited.

Until very recently a bishop could not resign his see, but it is now provided that when an English archbishop or bishop is desirous of resigning by reason of age or infirmity, Her Majesty in Council may declare his bishopric vacant, and appoint a suffragan. The retiring bishop is granted a pension of about one-third of the income of his late see, and may retain one of its episcopal residences.

Colonial bishops are not peers in right of their sees, and have no seat in the House of Lords.

To assist the bishop in the government of his diocese gene-

rally, there are the *dean* and an indefinite number of *canons* or *prebendaries*, who form the *chapter*.

The title Dean is derived from the Latin word for *ten*, that being the usual number in the early chapters. Deans are of six kinds:—*Deans of Chapters*, who are either of cathedrals or collegiate churches. *Deans of Peculiars*, who have sometimes both jurisdiction and cure of souls, and sometimes jurisdiction only. *Rural Deans*, who are deputies of the bishop to inspect the conduct of the parochial clergy, to examine candidates for confirmation, &c., and who are endowed with an inferior degree of judicial authority. *Deans in the Colleges of our Universities*, who are officers appointed to superintend the behaviour of the members, and to enforce discipline. *Honorary Deans*, as the Dean of the Chapel Royal St. James, &c.; and *Deans of Provinces*, thus the Bishop of London is Dean of the province of Canterbury. It is now provided that all old deaneries, except those in Wales, are henceforth to be in the direct patronage of the Queen; and no person is to be capable of becoming dean, archdeacon, or canon, until he has been six years in priest's orders. A dean must reside at least eight months in the year.

A canon is a priest who possesses a prebend, or revenue allotted for the performance of divine service in a cathedral, or collegiate church. Originally canons were only priests, or inferior ecclesiastics, who lived in community; residing by the cathedral church, to assist the bishop; depending entirely on his will; supported by the revenues of the bishopric; and living in the same house, as his domestics or counsellors. By degrees, these communities of priests shook off their dependence, and formed separate bodies, of which the bishops, however, were still the heads. In the tenth century, there were communities or congregations of the same kind, established even in cities where there were no bishops: these were called collegiates, as they used the terms congregation and college indifferently: the name chapter, now given to these bodies, being much more modern. Under the second race of the French kings, the canonical, or collegiate life had spread itself all over the country; and each cathedral had its chapter, distinct from the rest of the clergy. They had the name canon, from the Greek κανων, which signifies three different things: a rule, a pension, or fixed revenue to live on, and a catalogue or matricula; all which are applicable to them.

In time, the canons freed themselves from their rules, and at length they ceased to live in community.

The country parts of the diocese not otherwise governed as above, are subdivided into archdeaconries and rural deaneries. By the Canon Law the archdeacon is called "the bishop's eye," and has power to hold visitations within his jurisdiction when the bishop is not present, to make institutions and inductions of benefices, to assist at the examination of candidates for orders, and also to inquire into, correct and reform irregularities and abuses amongst the parochial clergy. The *rural dean* governs part of an archdeaconry, usually consisting of about ten parishes, and exercises a similar but more restricted authority over them. Finally, we have the parochial clergy, consisting of *rectors*, and *vicars*. The word "curate" signifies a person having the *cure* (or care) of souls. "Rector" is one who has the chief *rule* of the parish in ecclesiastical matters. The rector is entitled to the whole of the tithes of his parish (now commuted into a fixed annual sum called a *rent charge*). The vicar has only the *small* tithes. "Vicar" means a *substitute*. When, in days long passed away, the great landholders granted a rectory to a monastery, the living never became vacant, as the abbey or convent was a corporation, and corporations never die, although those who constitute them do. The monastery, as rector, took all the tithes, and sent a clergyman to perform divine service, to whom were given the small tithes as his recompense. By degrees the substitute thus sent acquired a permanent right to the benefice. When Henry VIII. confiscated to the crown the possessions of the religious houses, it was thought that their great tithes would revert to the vicar. This, however, was not agreeable to the grasping courtiers to whom the monarch had granted the property and estates, and an Act of Parliament was therefore passed, which annexed the great tithes to the confiscated lands. Thus the position of the vicars remained unaltered.

It only remains for me now to tell you how a person is made a clergyman. It is the peculiar prerogative of the bishop alone to confer holy orders, which in our church are of three kinds—those, namely, of bishop, priest, and deacon. The ceremony of making the last two is called *ordination*; of the former *consecration*. On each occasion the oath of the Queen's supremacy must be taken by the candidate. The

essentials of valid ordination are prayers or benedictions with the Apostolic imposition of hands. When a layman is made a deacon he must be at least twenty-three years old, and (if not possessed of a university degree), a "*literate person*"—that is, one of competent learning and good education. After twelve months the deacon may be ordained a priest. A deacon is ordained by the laying on the bishop's hand alone. In case of a priest, the bishop and the priests who are with him lay hands upon the candidate. A bishop must be a priest of at least thirty years of age, and is set apart for his office by three other bishops. The archdeacons (who are priests appointed to that office by the bishop) assist the bishop in ordinations. He has also his *examining chaplains* to aid him in testing the abilities of the candidates, who must each have a *title for orders*—that is, a sphere of labour under some beneficed clergyman, with a proper stipend for his support, before he can be ordained. A university fellowship, or a mastership in some of the public schools, is also accepted by the bishops as a title. Until recently, a clergyman could not wholly relinquish his sacred calling, but now the Clerical Disabilities' Act, 1870, enables him (after resigning all preferment) to relinquish Holy Orders by deed. This done, he becomes incapable of officiating in any manner as a minister of the church, and is discharged from all the disabilities of his former office.

There are many matters which it is difficult to avoid touching upon in connection with the subject of this letter, but which, if fully entered into, would swell it into the bulk of an entire volume. I will, in conclusion, refer to one which (especially in late times) has attained a degree of prominence that may have an important bearing upon the Constitution —I mean the ecclesiastical parliament, called *Convocation*. This is an assembly of the spiritual estates of the realm in both provinces. It consists of an Upper and Lower House in the province of Canterbury; in the former sit the bishops, presided over by the archbishop as *Primate and Metropolitan*. The latter is composed of *Proctors* or delegates chosen by the chapters of cathedrals and beneficed clergy. The members elect their own *Prolocutor* or Speaker. In the province of York all sit together in one house. Convocation is summoned by the archbishops in pursuance of the Queen's mandate. When assembled, it must have the Queen's licence before the members can deliberate, as well as the sanction

of the Crown to their resolutions before they become binding on the clergy. Formerly Convocation granted to the Crown the right to tax the clergy. That usage has now ceased, and with it the state necessity for convoking the assembly yearly. Recently, however, ecclesiastical and spiritual necessities have caused its sittings to be in some degree available in a practical sense.

There are altogether 125 religious denominations in England, dissenters from the Established Church. It is estimated that of these there are now nearly 1,000,000 of Roman Catholics, who have one archbishop and twelve bishops presiding over them. It is calculated that in the middle of 1878 the members of the Church of England amounted to 13,500,000, all other creeds to 11,000,000.

The Established Church of Scotland is Presbyterian, and differs greatly from the Episcopal Church of England. It is a pure democracy, all the members being equal. The General Assembly consists of partly clerical and partly lay members, chosen by the presbyteries, boroughs, and universities. It comprises 386 members, and meets annually, sitting in May for ten days; matters not decided in that period being left to a Commission. In each parish there is a parochial tribunal called a Kirk Session, consisting of the minister and a greater or smaller number of laity, of whom two are selected as Elders. Their office is to superintend the relief of the poor and assist in visiting the sick. Next to these Sessions, and higher in authority, is the Presbytery.

The Dissenters in Scotland are very numerous. There is an Episcopal Church, estimated at about 65,000 members.

The Protestant Church of Ireland, formerly in union with the Church of England, was disestablished and disendowed by Act of Parliament, 32 & 33 of Victoria, cap. 42, and ceased to be established by law January 1st, 1871. The Roman Catholic Church in Ireland is under four archbishops and twenty-three bishops nominated by the Pope.

National Education has been taken into earnest consideration by the British Parliament, and in 1870 an Act was passed to provide for Public Elementary Education in England and Wales. The schools to be placed in each district under School Boards, invested with great powers, among others that of making it compulsory on parents to give all children between the ages of five and thirteen the advantages of education. The children whose parents are too poor to

pay for their teaching to be admitted free, and their expenses to be defrayed by means of local rates.

Some idea may be formed of the efforts that have been made during the last ten years to provide for the elementary education of the people by a comparison of the state expenditure, which has increased from 680,429*l.* in the year 1868, to 2,149,000*l.* in the year 1877; whilst the actual expenditure in England and Wales, including the parliamentary grant, sums raised from "school pence," voluntary contributions and rates during the year 1878, has reached a total of 3,915,441*l.*: representing the cost of elementary education at 1*l.* 13*s.* 11*d.* per head in voluntary schools, and 2*l.* 1*s.* 4*d.* per head in Board schools.

There were upwards of 15,000 schools inspected in 1877, of which more than two-thirds were connected with the Church of England. Of the remaining 5,000 schools, nearly one half are under the School Board, and the remainder are schools connected with various denominations.

LETTER XI.

OUR COLONIES.

Extent of our Colonies—Crown Colonies—Colonies by Settlement—Power of the Crown—List of British Colonies—Their Government—India—Old and New Idea of Colonization.

If a stranger unacquainted with history were shown a map of the world, and desired to guess which were its great Powers, he would certainly not pick out those little islands marked *Great Britain* as forming one of them. But if on that map our colonies were marked in some distinctive colour, any surprise he might feel at being told that such was indeed the fact would vanish. Those specks near the coast of France are the cradle in which a giant was reared—the mainspring which works an empire in comparison with which that of the Cæsars was poor and limited. We have committed many faults and follies with regard to our colonies, and much yet remains to be done before our colonial system can be said to be satisfactory, but still it is difficult to indicate any nation that has succeeded better than we have when the wide differences of race, character, and climate are taken into consideration.

The word *colony* is commonly applied to those islands and districts which a nation acquires beyond the limits of its ordinary territory—which in distinction is called *the Mother Country*—but more strictly speaking it is the society of people who inhabit those places, and not the places themselves. It may be used to mean both people *and* place, and in this sense I shall employ it.

The colonies and dependencies of Great Britain embrace nearly *one-sixth* of the whole surface of the earth, and *one-fourth* of its population; in fact, if we put aside China and Japan, we are responsible for more than *one-third* of the so-called civilised races of the world.

Her Majesty's colonial possessions are so vast, and are one and all so intimately connected with us by political, commercial, and social ties, that this work would not be complete without an account of how they are governed.

There are three ways by which a colony may be acquired —by *settlement*, by *conquest*, and by *bargain;* under which latter head I include *treaty* and *capitulation.*

To form a colony by settlement the place must not be within the limits of any recognised state. For example—no colony could be established on part of the Russian or Brazilian coast, however far from civilization the spot might be. It is not necessary that the place should be discovered by the settlers. Possession—by which I mean possession peacefully gained (except as against savages)—is ten parts of the law in this respect.

The expressions *conquest* and *bargain* explain themselves.

In a colony by settlement the common law of England prevails, but the statute law—except such acts of parliament as have been passed expressly for colonial government—does not apply.

It rests entirely with the Crown to grant a Constitution to a colony, and until it be granted Her Majesty's authority therein is absolute; but her Colonial Minister is responsible to Parliament for the manner in which it is exercised.

Malta, Gibraltar, and some other naval and military stations remain *Crown Colonies—i.e.*, colonies in which the Crown has the entire control of the legislation, while the administration is carried on by public officers under the control of the Home Government. The rest have Constitutions and representative government, more or less popular. These may be divided into two classes:—1. Colonies possessing Representative Institutions and Responsible Government, in which the Crown has no more than a veto on legislation, but the Home Government *retains the control* of public offices. 2. Colonies possessing Representative Institutions and Responsible Government, in which the Crown has only a veto on legislation, and the Home Government has *no control* over any public officer except the Governor.

The colonies and dependencies are now arranged in forty administrative divisions for the purpose of government. The following table gives the names of the colonies, capital, mode and date of acquisition, the population, and date of the census.

THE BRITISH COLONIES.

Colony.	Capital.	Mode of Acquisition	Date	Population	Date of Return.
IN EUROPE—					
Cyprus	Nikosia	Cession	1878	150,000	1871
Gibraltar	Residence in Fortress	Capture	1704	14,764	1871
Heligoland		Cession	1814	1,913	1871
Malta	Valetta	Capture	1800	73,068	1871
IN AMERICA—					
Bahamas	Nassau	Settlement	1629	39,162	1871
Bermudas	Hamilton	,,	1609	12,121	1871
Dominion of Canada	Montreal / Ottawa	Capture	1629 / 1760	3,579,782	1871
Falkland Islands	Stanley	Settlement	1833	803	1871
Guiana	New Amsterdam	Capture	1803	193,491	1871
Honduras	Belize	Settlement	1670	24,710	1870
Jamaica and Turks Islands	Spanish Town	Capture	1629 / 1655	510,354	1871
Leeward Islands	St. John's	Settlement	1629 / 1763	120,491	1871
Newfoundland	St John	,,	1583	146,536	1869
Trinidad	Port d'Espagne	Capture	1797	109,638	1871
Windward Islands	Bridgetown	Settlement	1605 / 1803	284,078	1871
IN AFRICA—					
Ascension	Georgetown	Settlement	1815	27	1871
Cape of Good Hope, with Dependencies	Cape Town	Capture	1806 / 1877	1,420,062	1875
West African Settlements: Gambia	Bathurst	Settlement	1661	14,100	1871
West African Settlements: Sierra Leone	Free Town	,,	1788	38,936	1871

Colony.	Capital.	Mode of Acquisition	Date.	Population.	Date of Return
AFRICA—*continued.*					
Gold Coast { Gold Coast / Lagos }	Cape Coast Castle	Settlement	1660	408,070	1871
Colony		Constituted a Colony	1661	62,021	1871
Mauritius	Port Louis	Capture	1810	316,042	1871
Natal	D'Urban	Settlement	1843	250,000 (Black) / 25,000 (White)	1875
St. Helena	James Town	Settlement, 1654	1650	6,241	1871
Transvaal	Pretoria	Annexation	1877	80,000 (Black) / 45,000 (White)	1875
Griqualand West (Diamond Fields)	Kimberley	Cession	1871	45,000	1877
IN ASIA—					
Aden		Capture	1838	22,507	1871
Ceylon	Colombo	,,	1796	2,459,542	1876
Hong Kong	Victoria	Cession	1843	139,144	1876
India			1625 / 1849	191,018,412	1872
Labuan		Cession	1846	4,898	1871
Straits Settlements	Singapore / Georgetown / Malacca	Separated from Indian Empire	1786 / 1819	308,097	1871
IN AUSTRALASIA—					
Fiji Islands	Levuka	Cession	1874	101,700	1876
New South Wales	Sydney	Settlement	1787	503,981	1871
New Zealand	Wellington	,,	1814	299,514	1874
Queensland	Brisbane	Separated from New South Wales	1859	173,283	1876
South Australia	Adelaide	Settlement	1836	213,271	1876
Tasmania	Hobart Town	,,	1803	99,328	1870
Victoria	Melbourne	,,	1787	731,528	1871
Western Australia	Perth	,,	1829	24,785	1870

I will now state shortly how these are governed.*

ADEN.—A seaport town on the south-coast of Arabia and on the Red Sea, is an important military and coaling station. It is strongly fortified, and is under the administration of the Government of Bombay.

ASCENSION.—Crown Colony, governed by the Naval Officer in charge of the station.

AUSTRALIA, SOUTH.—The constitution of this colony was remodelled in 1856, and the Government is now administered by the Governor and an Executive Council of five members, who constitute the responsible Ministry, and are required to be Members of Parliament—viz, Chief Secretary, Attorney-General, Treasurer, Commissioner of Crown Lands, and Commissioner of Public Works. The Parliament consists of a Legislative Council and an Assembly. The Legislative Council consists of twenty-two members, elected by the inhabitants of the colony legally qualified to vote; one-third retiring by rotation every four years, and six new members being elected to the vacancies so created. The qualification consists in being thirty years of age, and a natural born or naturalized subject of her Majesty, and having resided in the colony for upwards of three years. The qualification of electors is full age and the being a natural born or naturalized subject of Her Majesty, possession of a freehold estate of 50*l.* annual value, or a leasehold estate of the clear annual value of 20*l.* having three years to run, or occupation of a dwelling-house of 25*l.* annual value. The House of Assembly consists of forty-six members, elected by the inhabitants of the several districts of the colony for three years. (*Vide* Act No. 20 of 1861.) Any person qualified to vote in or for any electoral district is qualified and entitled to be elected a Member of Assembly. Aliens are not eligible until after a residence of five years. Every natural born or naturalized subject of full age who has been registered upon the electoral roll of any district shall be qualified to vote in the election of Members of Assembly. There are 35,389 registered electors. One-third of the members is sufficient to constitute a meeting of the Assembly.

AUSTRALIA, WEST.—The Government is administered by a Governor appointed in the usual manner by the Crown, who is assisted by an Executive Council composed of the

* I am much indebted to the admirable summary contained in the Colonial Office List for many of these particulars.

Colonial Secretary, the Attorney-General, the Senior Officer commanding the troops, and the Surveyor-General. There is a Legislative Council of twenty-one members, three official, seven nominated, and fourteen elected members; the official members are the Colonial Secretary, the Surveyor-General, and the Attorney-General. The unofficial members are elected by the people for three years, and are eligible for re-election at the end of that period. The colony is divided for that purpose into ten electoral districts.

BAHAMA ISLANDS.—Legislature composed of the Governor, a Legislative Council of nine members, and a House of Assembly of twenty-eight members. The Governor is assisted by an Executive Council of nine members.

BARBADOS.—Legislature composed of the Governor (who is also Governor-in-Chief of St. Vincent, Grenada, Tobago, and St. Lucia). *The Windward Islands* (including Barbados, St. Vincent, Grenada, Tobago, St. Lucia) have an Executive Council consisting of the Governor, Major-General, Colonial Secretary, and Attorney-General, a Legislative Council in which the senior officer commanding the troops, the Colonial Secretary, and the Attorney-General sit *ex officio*, and a House of Assembly of twenty-four members, elected annually by franchise.

BERMUDA.—Legislature composed of the Governor and Privy Council of nine members appointed by the Crown, and a House of Assembly of thirty-six members.

BRITISH GUIANA (consisting of the United Colonies of Demerara, Essequibo, and Berbice).—Government: A Governor; a Court of Policy, of five official and five elective members; and for levying the taxes, a combined Court, consisting of the Governor, the six Members of the Court of Policy, and the Financial Representatives.

CANADA, THE DOMINION OF, (comprising the Provinces of Ontario, Quebec, Nova Scotia, and New Brunswick, Manitoba, and British Columbia (including Vancouver's Island), Prince Edward's Island, and the North-West Territories.)—The Executive Government is vested in the Queen, who appoints the Governor-General, to carry on the Government of Canada in the name of the Crown. The Governor-General is assisted by a Council, the members of which are sworn in as Privy Councillors. The Legislative power is vested in a Parliament, consisting of the Governor-General, an Upper House, called the Senate, consisting of seventy-

eight members, appointed by the Crown for life, and a House of Commons of two hundred and two members. A Lieutenant-Governor is appointed by the Crown for each province.

Ontario has also an Executive Council, appointed by the Crown, and a Legislature, consisting of the Lieutenant-Governor and a Legislative Assembly, composed of eighty-two elected members.

Quebec has an Executive Council and a Legislative Council, appointed by the Crown, and a Legislative Assembly of sixty-five members.

Nova Scotia has an Executive Council, a Legislative Council, and a Legislative Assembly.

New Brunswick.—A Legislative Council and an Elective Assembly.

Manitoba.—An Executive Council and a Legislative Assembly.

British Columbia.—An Executive Council and a Legislative Assembly.

Prince Edward's Island and the North-West Territories have each an Executive Council.

CAPE OF GOOD HOPE (including large tracts of Native Kaffraria, Basutoland, Fingoland, and Griqualand East). Government administered by a Parliament composed of the Governor, Legislative Council of twenty-one members, and House of Assembly of sixty-eight members.

CEYLON.—Legislature composed of the Governor and an Executive Council of five members, consisting of the Commander of the Forces, Colonial Secretary, Queen's Advocate, Treasurer, Auditor-General. Legislative Council: The Governor, Commander of the Forces, Colonial Secretary, Queen's Advocate, Auditor-General, Treasurer, Government Agent, Western Province; Government Agent, Central Province; Surveyor-General, Principal Collector of Customs, and six unofficial members.

CYPRUS.—This island has been recently occupied, and is now administered by Great Britain under the provisions of the Anglo-Turkish Convention of June, 1878, the object being to establish there a strong military and naval station to guard the interests of Great Britain in the East of the Mediterranean, and as a guarantee against further Russian aggression in Asia Minor. The island is administered by a High Commissioner, who is also the Commander-in-Chief of

the Forces, and an Executive and Legislative Council. The Executive Council is presided over by the High Commissioner, and includes the officer commanding the regular troops, the Chief Secretary, the highest Judicial Officer, and the Financial Secretary. The Legislative Council consists of the High Commissioner as President, and of not less than four and not more than eight members appointed by him, of whom one-half are official members, and the other half unofficial and inhabitants of the Island.

DEMERARA (*see* British Guiana).

DOMINICA (*see* Leeward Islands).

FALKLAND ISLANDS.—Governed by Governor and Legislative and Executive Council, appointed by the Crown.

FIJI ISLANDS.—These Islands were ceded to Great Britain on October 10th, 1874. A charter was issued erecting the islands into a separate colony. The Governor and Commander-in-Chief is also her Majesty's High Commissioner and Consul-General for the Western Pacific Ocean. He is assisted by an Executive Council and a Legislative Council, the latter to consist of not less than two persons nominated by the Crown.

GAMBIA (*see* West African Settlements).

GIBRALTAR.—Crown colony.

GOLD COAST COLONY (comprising British settlements on the Gold Coast, and at Lagos).—Governor-in-Chief with an administrator at Lagos. One Executive, and one Legislative Council for the two settlements.

GRENADA.—The same as St. Vincent.

GRIQUALAND WEST.—An Administrator (in the absence of the Governor of Cape Colony) assisted by an Executive Council, and a Legislative Council composed of four nominated and four elective members.

HELIGOLAND.—Governor appointed by the Crown, aided by an Executive Council.

HONDURAS.—Lieut.-Governor (subordinate to the Governor of Jamaica) and Legislative Council of five official and not less than four unofficial members, appointed by the Crown, or provisionally by Lieut.-Governor, subject to Her Majesty's approval. There is also a Privy Council of five officials.

HONG-KONG.—Governor and Executive Council composed of Colonial Secretary, Officer commanding the troops, the Attorney-General, and two others. Legislative Council composed of Governor (as President), Chief Justice, Colonial

Secretary, Attorney-General, Treasurer, and four unofficial members appointed by the Crown.

India, The Empire of.—The Queen of Great Britain and Ireland, in 1877, assumed by Royal proclamation the title of Empress of India. The Executive authority is vested in a Governor-General or Viceroy appointed by Her Majesty and controlled by the Secretary of State for India in London. The Governor-General, acting in Council, has power to make laws for all persons within Indian territories. The Secretary of State for India is aided by a council of fifteen members appointed by the Secretary of State for India, who hold office for ten years, but may be removed upon an address from both Houses of Parliament. This Council is divided into committees, and under the superintendence of the Secretary of State directs the Government of India in such matters as are transacted in this country. The Council of the Governor-General in India consists of five ordinary members appointed by the Crown and one extraordinary member, who is the Commander-in-Chief For the purpose of administration India is divided into provinces or presidencies, and these into executive districts. Bombay and Madras have their Governors. There are Lieutenant-Governors of Bengal, the North-West Provinces, and the Punjaub, Chief Commissioners of Oudh, Central Provinces, British Burmah, and Assam. Besides the provinces directly under British administration there are more than 400 native States with a population exceeding fifty millions, all in a greater or less degree under the control of the Indian Government.

Jamaica (including Turks and Caicos Islands).—A Legislative Council was, by Order in Council of the 11th June, 1866, established, consisting of official and unofficial members. The official members to be the Senior Military Officer, the Colonial Secretary, the Attorney-General, Financial Secretary, Director of Roads, and Collector of Customs; together with certain unofficial, not exceeding six in number. There is also established a Privy Council. The members of the Privy Council are the Lieutenant-Governor, or Senior Military Officer in command, the Colonial Secretary, the Attorney-General, the Financial Secretary, the Director of Roads, the Collector of Customs, and such other persons, not to exceed eight in number, who may be named by the Queen, or provisionally appointed by the Governor, subject to the approval of Her Majesty. The Governor, or

in his absence, the senior Councillor present, is to preside at each meeting when duly summoned, and the Governor and two members are to form a quorum. The Governor is to consult in all cases with the Councillors, excepting only when the matter to be decided would in his judgment sustain material prejudice by consultation, or be too unimportant to require their advice: and *he* is to propose all questions on which they are to advise and decide; but any member may apply in writing for permission to propose a question, and a written answer, granting or refusing the request, is to be returned. The Governor is authorized to act in opposition to the advice and decision of the Privy Council, "if in any case it shall appear right so to do," and to report to the Secretary of State for the Colonies "the grounds and reasons" of his opposition, and any member may record on the Minutes the nature of the advice or opinion offered and rejected.

LABUAN.—Legislative Council composed of the Governor, as President, and nominated Legislative Council.

LAGOS (*see* Gold Coast Colony).

LEEWARD ISLANDS, comprising Antigua, Montserrat, Anguilla, St. Kitts, or St. Christopher, Nevis, Dominica, and the Virgin Islands, were constituted a single Federal Colony by an Act passed in the Imperial Parliament in the session of 1871, 34 and 35 Vict., cap. 71. By this Act the colony of six presidencies is under one General Government.* With an Island Government for the separate presidencies there is an Executive Council appointed by the Queen, and a General Legislative Council composed of ten elective and ten non-elective members. Of the elective members four are taken from the Island Council of Antigua, three from that of St. Kitts, two from that of Dominica, and one from that of Nevis. They are chosen by the elective members of the Island Council from which they are taken. Any laws made by the Council and assented to by the Governor must be submitted for approval to the Queen, and it is lawful for Her Majesty at any time, within eighteen months after a copy of such law has been received by one of her Secretaries of State, to disallow it if she pleases.

* It may be here observed that the Leeward Islands possessed a common legislature as far back as the reign of William and Mary. The general legislature met for the last time in 1798. The Act of 1871 is a return to the original constitution of the islands.

Antigua.—The Governor appoints the President and Vice-President of the Legislative Council, who, in case of an equality of votes, have a second or casting vote. The duration of the Council is for five years. The elected members of the Legislative Council of Antigua, send four elected members to the General Legislature.

Montserrat.—The Government is administered by a President (subordinate to the Governor-General), aided by an Executive and Legislative Council appointed by the Crown.

St. Kitts, Nevis, and Anguilla.—A local governor and a single Chamber or Assembly, composed of three officers of the Crown, who sit *ex officio*, seven nominees of the Crown, and ten elected members. The Assembly lasts five years, at the end of which time all the members vacate their seats except the *ex officio* ones, but may be re-elected. Three paid officers are chief advisers to the Government: the Attorney-General, Secretary to the Government, and the Auditor. The elected members of the St. Kitts Assembly send three members to the General Legislature.

Nevis.—Same as St. Kitts.—Nevis sends one member to the General Legislature.

Anguilla.—Stipendiary Magistrate and Vestry of six Stipendiary Magistrates.

Virgin Islands.—Local Government, by a Legislative Council, Executive Council, and Administrator of the Government, who is called a President.

Dominica.—Local Government, by a Lieutenant-Governor, Executive Council of seven members, and Legislative Assembly of seven nominated and seven elected members. The elected members of Dominica send two members to the General Assembly of the Leeward Islands.

MALTA.—The Government is administered by a Governor, who is assisted by a Council of Government, constituted by Letters Patent of 11th May, 1849, consisting of eighteen members—ten official, and eight elected, who are returned by about 2700 electors. The Governor is President. An income of 8*l.* from immovable property, or payment of a rent of 4*l.* per annum, qualifies a person to vote.

MAURITIUS.—The Government of the island is vested in a Governor, aided by an Executive Council, of which the Colonial Secretary, Procureur and Advocate-General, and the Officer in command of Her Majesty's Troops, are *ex officio* members. There is also a Legislative Council, consisting of

seven official and ten non-official members; the former comprising the three executive members above spoken of; and the Collector of Customs, Auditor-General, Treasurer, and Collector of Internal Revenues; the latter ten non-official members are chosen from the landed proprietors of the island, and submitted to Her Majesty in Council for approval and confirmation.

MONTSERRAT (*see* Leeward Islands).

NATAL.—Governed by a Lieutenant-Governor, assisted by an Executive Council, composed of the Chief Justice, the Senior Officer in Command of the Troops, the Colonial Secretary, the Treasurer, the Attorney-General, and the Secretary for Native Affairs; and a Legislative Council composed of five official members—viz., the Colonial Secretary, the Treasurer, the Attorney-General, and the Secretary for Native Affairs, and fifteen members elected by the counties and boroughs. By Act No. 3 of 1875 the number of nominated members was increased to thirteen, including the five official members, so that in fact only seven members are now elected. The elected members of the Council hold their seats for four years from date of election, unless the Council is dissolved by the Governor. There are eight electoral districts, and possession of property to the value of 50*l.*, or rents from property of an annual value of 10*l.*, entitles a man to a vote; the usual provisions respecting the disqualification of aliens and others hold good. No person can be elected a member of the Council unless he is a duly qualified and registered elector, nor unless he shall have been invited to become a candidate for election by at least ten electors of the county or borough which it is proposed he shall represent; nor unless such requisition shall have been transmitted to the Resident Magistrate, at least fourteen days before the election. The Constitution of Natal is regulated by the Charter of 1856 and the Supplementary Charter of 1869, the provisions of which have been modified by Law No. 1 of 1873, and by Act No. 3 of 1875.

NEVIS (*see* Leeward Islands).

NEW BRUNSWICK (*see* Canada).

NEWFOUNDLAND.—The Government is at present administered by a Governor, aided by a responsible Executive Council not to exceed seven members, a Legislative Council not to exceed fifteen members, and a House of Assembly of thirty members, elected by householders who have occupied

a dwelling house as owner or tenant for two years immediately preceding the day of election. There are 17,451 electors registered on the electoral roll, and fifteen districts, or subdivisions of districts, of which five return three members, five return two members, and five return one. There is a property qualification for the elected—viz., property exceeding 500*l.* in amount or value, or a net annual income of 100*l.*

New South Wales.—In New South Wales "responsible Government" was established by the Constitution Act, 18 and 19 Vict., cap. 54. The Governor is appointed by the Crown; so also is the Legislative Council, which is to consist of not fewer than twenty-one persons, of whom not less than four-fifths shall consist of persons not holding office under the Crown, except officers in H.M.'s sea or land forces on full or half pay. The members of the first Legislative Council of the colony were appointed for five years, but all future members after the expiration of that term were appointed for life, subject to certain provisions contained in the Act. The Council now consists of thirty-eight members. The Legislative Assembly, under the Electoral Law, No. 20, 22 Vict., "consists of eighty members, or so soon as the University of Sydney shall be entitled to return a member to the Assembly, of eighty-one members." Since the separation of Queensland from New South Wales, the Colony is divided into sixty electorates, returning seventy-two members. There are now seventy-three members, including the member for the University, first elected in September, 1876. Every male subject of the full age of twenty-one, being natural born, or who, being a naturalized subject, shall have resided in the colony for three years, shall be entitled to vote in respect of the following qualifications:—Firstly, Resident Electors.—Every such subject who at the time of making out the electoral list in any such district shall reside, and during the six months then next preceding shall have resided, in that district. Secondly, Non-resident Electors.—Every such subject who shall have had within the district for the six months then next preceding the time of making out the electoral list, a freehold or leasehold estate, or have been in receipt of rents or profits thereof amounting to 100*l.*, or to an annual sum of 10*l.*; or shall occupy a house, shop, or office, of the annual value of 10*l.* Any person properly qualified and registered as a voter shall be

qualified to be elected a member of Assembly. No member of Council can be a member of Assembly.

NEW ZEALAND.—The colony of New Zealand consists of three principal islands, called respectively the North, the Middle, and the South or Stewart's Island. The present form of Government for New Zealand was established by Statute 15 & 16 Vict., cap. 72. By that Act the colony was divided into six provinces, since increased to nine—viz., Auckland, Taranaki, Wellington, Otago, Hawkes Bay, Marlborough, Nelson, Canterbury, and Westland—each governed by an elected Superintendent and Provincial Council. These members of Council are chosen by the votes of the inhabitants of the different provinces, and the qualification for members and electors is possession in the district for which the vote is given of a freehold estate of the value of 50*l.*, or a leasehold estate of the annual value of 10*l.*, held upon a lease which at the time of registration has not less than three years to run; or being a householder within the district of the clear annual value of 10*l.*, or within the limits of a town of the clear annual value of 5*l.* Aliens are disqualified. By an Act of the General Assembly passed in 1875, the Provincial System of Government was abolished, and in 1876 provision was made for the division of the country into Counties, and the necessary machinery for their self-government was provided. A General Assembly, consisting of the Governor, a Legislative Council, and a House of Representatives, is also established by Act 15 & 16 Vict., cap. 72. Legislative Councillors hold their seats for life. Members for the House of Representatives are elected by electors possessing the same qualifications as those who can vote for provincial councillors. An elector is also qualified to be a member. The House of Representatives now consists of 88, including four Maori members representing the natives. The members of both branches of the Legislature now receive 157*l.* 10*s.* each for every session, to cover the expenses of their attendance. The control of native affairs, and the entire responsibility of dealing with questions of native government, were in 1863 transferred from the Imperial to the Colonial Government.

NOVA SCOTIA —*See* Canada.

PRINCE EDWARD ISLAND.—*See* Canada.

QUEENSLAND.—A Governor and an Executive Council composed of the responsible ministers of the Crown. The Legis-

lature is formed of two Houses of Parliament—the Legislative Council or the Upper House, and the Lower House or Legislative Assembly. The members of the Council are nominated by the Governor, and hold their offices for life. The members of the Legislative Assembly are elected by the suffrages of the people. The voting for members of the Assembly is by ballot. The franchise is on the most liberal footing, every man of 21 years of age who has resided six months in one locality having a vote. In the Upper Chamber there are 28 members, including the President of the Council. The Lower House has 43 members, each representing one electoral district. Queensland was separated from New South Wales in 1859.

St. Christopher, Nevis, and Anguilla.—*See* Leeward Islands.

St. Helena.—Legislature composed of the Governor, assisted by a Council consisting of Chief Justice, Colonial Secretary, Senior Officer commanding troops.

St. Lucia.—The same as St. Vincent.

St. Vincent.—The Legislature consists of the Governor for the time being, and such other persons, not fewer than three, as the Queen may nominate. An Executive Council composed as the Crown may direct.

Straits' Settlements (consisting of Singapore, Penang, and Malacca).—Governor aided by an Executive and Legislative Council of eleven official and six unofficial members.

Tasmania.—Governor appointed by the Crown, with a Cabinet of responsible Ministers. A Legislative Council of sixteen members, elected for thirteen electoral districts. Every member of the Legislative Council holds his seat for six years from the day of his election, at the expiration of which time his seat is vacant. The competency of the Council is not affected by vacancies, so long as seven members remain. No judge of the Supreme Court can be a member of the Legislative Council. The qualification of members is thirty years of age, and a natural born or naturalized subject. The qualification for electors is the possession of a freehold estate of 30*l.* annual value, or being a barrister, graduate, or minister of religion, or an officer of the army or navy. A House of Assembly of thirty-two elected members; there are the same number of electoral districts. Any natural born or naturalized subject can be elected, provided that he is not a judge of the Supreme Court

or minister of religion. The duration of the Assembly is five years. The qualification of an elector for the Assembly is property of the value of 50*l.* in the district for which he votes, or household property of the annual value of 7*l.*; or being a barrister or solicitor on the roll of the Supreme Court, or legally qualified medical practitioner, or minister of religion, &c., &c., resident for twelve months before election in the district. The voting is by ballot.

TOBAGO.—The same as St. Vincent.

TRANSVAAL.—An Administrator, under powers contained in the commission given to him as Special Commissioner to the Transvaal in 1876.

TRINIDAD.—The Government is administered by a Governor and an Executive Council of three members. There is also a Legislative Council, including the Governor, who is President, six official and eight unofficial members, all of whom are nominated by the Crown. There is no Representative Assembly.

TURKS AND CAICOS ISLANDS (formerly included in the Bahama group) were annexed to Jamaica in 1874 by an Order in Council.

VANCOUVER ISLAND.—*See* British Columbia.

VICTORIA.—The Government of Victoria consists of a Governor appointed by the Crown, who is aided in the conduct of public affairs by a responsible Cabinet. There is a Legislative Council of thirty members elected for six Provinces, and an Assembly of 86 members returned by the 55 Electoral Districts: this constitution was established by an Act passed by the Legislature of Victoria, 1854, to which her Majesty assented, in pursuance of the power granted by Act of Parliament 18 & 19 Vict., cap. 55. One of the Members of Council returned for each of the Electoral Provinces retires in rotation at the expiration of every two years. The qualification of members is possession of freehold property worth 2,500*l.*, or annual value of 500*l.* The qualification of electors of Members of Council is possession of freehold or leasehold rated at not less than 50*l.* a-year. Graduates of Universities within the British dominions, barristers and solicitors, legally qualified medical practitioners, officiating ministers of religion, certificated schoolmasters, and officers of the army and navy when not on active service, also have votes for the Legislative Council. The functions of the Upper House differ very slightly from

those of the House of Lords. Money bills may be either accepted or rejected, but they may not be altered. An Act was passed in 1857 to abolish the property qualification required of Members of the Legislative Assembly, and manhood suffrage exists so far as the election of that body is concerned. The duration of the Assembly is three years, and vote by ballot has been in operation for a number of years.

VIRGIN ISLANDS.—*See* Leeward Islands.

WEST AFRICAN SETTLEMENTS (comprising Sierra Leone and Gambia) are under a Governor-in-Chief. There is also a Legislative Council in each settlement, composed of the Officer administering the Government and not less than two other members appointed by the Crown. In Gambia there is an Administrator, who is the head of the Government. In Sierra Leone there is an Executive Council for the purpose of advising and assisting the Governor-in-Chief, to whom is given the power of pardon and suspension.

The old idea of a colony was a place to which the surplus population—vicious or otherwise—might be sent, and where the friends of Government at home might make fortunes. Colonies were expected to buy the manufactures of the mother country, and to supply her with raw materials; but not to presume to have manufactures of their own. It was once gravely stated by no less a statesman than Canning, that a colony had no *right* to manufacture even a nail for a horseshoe! Colonies were also to be taxed for the benefit of the home Treasury; and we all know how *this* pretension was defeated, and what it cost us.

Since the United States obtained their independence, no attempt has been made thus to tax a colony.

The new idea is that a nation should treat a colony pretty much as a wise father should treat his son—guard and guide him in his infancy, educate him in his youth, and allow him to set up in business for himself when he becomes a man.

LETTER XII.

OUR REPRESENTATIVES ABROAD.

The Diplomatic Service—Right to send Ambassadors—Privileges of Ministers—Their Staff and Duties—The Consular service—Its Origin—Peculiar Jurisdiction in Turkey—Capitulations—International or Mixed Tribunals—Consular Courts—Jurisdiction in China and Japan—Duties of Consuls—Their Pay and Emoluments—Slave Trade Commissions.

THE political interests of this kingdom are represented abroad by the *Diplomatic Service*; its commercial interests by the *Consular Service*.

DIPLOMATIC AGENTS are divided by an Article annexed to the Treaty of Vienna into three classes—

1. Ambassadors, Legates, or Nuncios (envoys from the Pope).
2. Envoys, Ministers, or other persons accredited to Sovereigns.
3. Chargés d'Affaires, accredited to Ministers for Foreign Affairs.

Ambassadors, Legates, and Nuncios only have the representative character—*i. e.*, represent the *person* of their Sovereign. Other Diplomatic Agents represent his Government.

The subordinate members of our Diplomatic Service are—

Secretaries of Embassy,
Secretaries of Legation,
First Secretaries,
Second Secretaries, and
Attachés.

It is not necessary that ambassadors and ministers should be selected from those lower grades, but most of our principal diplomatists have passed through several of them.

The right of sending and receiving diplomatic agents belongs to all those States which may treat with Foreign Powers in their own name. No State is obliged to receive a diplomatic agent, or to permit him to reside at its court, unless, indeed, it has bound itself by treaty to do so. A sovereign or other ruler may be willing to receive a diplo-

matic mission, but object to the particular person selected as its chief.

It rests with each State to decide what rank its representatives at a foreign court shall hold; but it is customary to send them of the same rank and number as those received.

The same person may be, and often is, accredited to several courts at once.

Before an ambassador, &c., can enter into the discharge of his functions, he must produce his *letters of credence*, written by the sovereign (or minister, if the agent be of the third rank) who sends him, to the sovereign (or minister) who is to receive him. He is then received in audience, more or less ceremoniously according to his rank, and presents a document stating the degree of authority with which he is invested. He may be accredited to represent the general interest of his country, to negotiate some particular affair, or to perform some act of ceremony or courtesy, such as investing a prince with the Order of the Garter or representing his sovereign at a royal marriage.

By a fiction of international law, ministers (under which term I include diplomatic agents of the first and second class) are supposed to carry their country with them, and their house is considered as beyond the territory of the state to which they are accredited. And this privilege extends to their retinue and servants, their houses and other property. Thus, they are exempted from the civil jurisdiction of the foreign country, and are not even amenable to its criminal law, unless the offence be against the State itself. They are free from all personal imposts, but if they please to acquire property which is not necessary for the discharge of their public duties, it is subject to the taxation sanctioned by law.

The wife of a minister participates in the immunities enjoyed by her husband.

The retinue or staff of a British embassy of the present day—that of Paris, for example—consists of the following officers:—

Secretary of Embassy.
Military Attaché.
Naval ditto.
2 Second Secretaries.
Attaché (who is also Consul).
3 Third Secretaries.
2 Attachés.

Registrar and Librarian.
Private Secretary.
Chaplain.
Physician.

All these, except the private secretary, are appointed by the Secretary of State for Foreign Affairs, and are under the control of the Foreign Office in London.

We have at present embassies at Paris, Vienna, St. Petersburg, Berlin, Constantinople, and Rome; missions at Brussels, Madrid, Lisbon, Stockholm, The Hague, Copenhagen, Washington, Pekin, Teheran, Tangier, Rio de Janeiro, Athens, Jeddo, Berne, and Buenos Ayres, Lima, Caracas, Quito, Guatemala, Port au Prince, Santiago, Bogotá.

When an ambassador or minister quits his post on leave of absence or special service, it is usual to nominate the secretary of embassy or legation chargé d'affaires. We have chargés d'affaires at the head of the diplomatic corps at Stuttgardt, Carlsruhe, and Darmstadt and Munich.

At Santiago, Bogotá, Quito, Guatemala, Port au Prince, Tangier, Teheran and Lima, the minister-resident is also the consul-general.

All diplomatic agents correspond directly with the Secretary of State for Foreign Affairs, and receive the orders of the Crown from that minister. Their duties are to keep their Government constantly informed upon all political subjects, to negotiate treaties, and to watch over the interests of British subjects established or travelling abroad. I am afraid our Ministers have a good deal to bear from some of the latter class, who forget, or do not know, that the moment they set their foot on the shore of a foreign country they are amenable to its laws, and must respect its customs and prejudices. There is hardly a gentleman who has served in an embassy or mission who could not give instances of angry Britons demanding vengeance at their Minister's hands against some foreigner in his own country, for having done something which the complainant thought contrary to *English* law. It is also very generally supposed that a British ambassador can and ought to interfere with the action of foreign officials and courts of law, and demand the reversal of judgments given by inferior tribunals, when they appear unjust to his countrymen. It never seems to strike the angry Briton what *he* would feel if (for example) the

French Ambassador were to attempt in London what he wishes his own representative to do in Paris or elsewhere.

The CONSULAR SERVICE consists of the following ranks—

1. Agents and Consuls-General;
2. Consuls-General;
3. Consuls;
4. Vice-Consuls;
5. Consular Agents.

The appointment of Agent and Consul-General is semi-diplomatic, and is made in those portions of the Turkish Empire which are all but independent, but which, under the rule given above, have not the right of sending and receiving diplomatic agents. We have Political Agents and Consuls-General at Tunis, Bucharest, Alexandria (for Egypt), and Bangkok (for Siam). There is also an officer of this rank, though styled *Commissioner* and Consul-General, stationed at Honolulu in the Hawaiian Islands.

Members of the consular service from Consuls upward hold their commissions from the Crown, and are under the orders of the Secretary of State for Foreign Affairs. They are in all respects subordinate to the British diplomatic agent in the country where they reside. Vice-Consuls and Consular Agents are officers appointed to act under the authority and superintendence of Consuls, by whom they are in some cases nominated. In the Turkish Empire there are a few Vice-Consuls who hold a Royal Commission, in order to enable them to exercise a jurisdiction which will be presently mentioned.

The office of Consul appears to have originated in Italy about the middle of the twelfth century. Soon after this the French and other Christian nations trading to the Levant began to stipulate for liberty to appoint consuls to reside in the ports frequented by ships, that they might watch over the interests of their subjects, and judge and determine such differences with respect to commercial affairs as arose amongst them. The practice was gradually extended to other countries, and in the sixteenth century was generally established all over Europe.

The power of sending consuls to foreign countries depends upon a tacit or express convention. In most modern commercial treaties the right to send consuls is conceded, and the contracting powers mutually agree to grant such officers

all the powers and privileges which they have granted or may grant to the most favoured nation. So far as Great Britain is concerned, any such promise is a dead letter; for although the United States, France, Germany, and other countries have agreed upon conventions giving privileges to foreign consuls, we have not done so; and as we cannot in fairness ask for our officers abroad what we do not grant to those of foreign states in the United Kingdom, our consuls are left for the most part in a very difficult and anomalous position.

Officially speaking, there is no difference between consular officers of the same rank, but practically a vice-consul in the East is a more important personage than a consul-general in Europe or the Americas. In the Turkish Empire, and China especially, our consuls hold a very high position, for there they possess an important civil and criminal jurisdiction over their fellow-countrymen.

In Turkey this jurisdiction is founded on the capitulations or treaties made with the Sublime Porte—as the Government of the Sultan is termed in the language of diplomacy—under which it resigned its sovereign right of subjecting all foreigners to its laws. This was done in favour of commerce at a time when the Porte was one of the great powers of the world, and a British ambassador was obliged to crawl on his hands and knees into the presence of the Sultan.

The privileges granted by the capitulations are insignificant in comparison with the rights which, by *custom*, foreigners have been permitted to acquire; and in some parts of the Turkish Empire (especially in Egypt) they have become independent of the local authority; all proceedings civil or criminal between or against them being decided by their own Consul, according to the law of their own country. In Constantinople, and some other parts of Turkey in Europe, the terms of the capitulations are more closely followed.

In Egypt, however, mainly owing to the great development of her international relations which followed upon the opening of the Suez Canal, it was found that judicial powers granted under the capitulations were not sufficient for the purpose for which they were originally intended, which was to effectively secure foreigners from arbitrary violence and exaction upon the part of the local authority; more especially were they found to be defective in those cases,

both civil and criminal, where the foreigner came into collision with the law of the country. Accordingly an *International or mixed tribunal* is now appointed under the provisions of a special treaty for a period of five years, in substitution for the Egyptian Consular Courts. There are three tribunals of first instance, each consisting of eight judges (of whom five are foreign and three native), sitting at Alexandria, Cairo, and Mansourah. These tribunals have a civil and criminal jurisdiction in all cases between foreigners, or between foreigners and natives. The foreign judges are appointed by the Egyptian government at the request and on the nomination of the foreign governments respectively. A court of appeal is also constituted which sits at Alexandria, and consists of eleven judges, of whom four are native and seven foreign. England is represented by one judge of the court of appeal, and by two judges of first instance. The procedure is based on the French law, and the proceedings are conducted in French and Italian.

Under the capitulations judicial powers are granted to Ambassadors, Ministers, and Consuls, but so far as we are concerned they are vested in the latter, and in order to guide and restrain these in the exercise of such difficult duties, a tribunal was established in Constantinople in the year 1861, called the *Supreme Consular Court of the Levant.* This court, whose judge is an English barrister, has an original and concurrent jurisdiction all over the Turkish dominions, and is the immediate Court of Appeal from all Consular judgments, except those of the Egyptian Courts. A further appeal lies from its decisions to Her Majesty in Council.

The same Order in Council which established the Supreme Consular Court provided for the formation of Consular Courts presided over by barristers under the title of *Legal Vice-Consuls,* in places where the magnitude and number of suits made it difficult for a Consul without legal education to act; and such courts were instituted at Smyrna and in Egypt, but the former has been abolished.

The Supreme Consular Court of the Levant has power to award a sentence of two years' imprisonment, and a fine up to 500*l.* in criminal cases. A Legal Vice-Consul may order a term of two years, or a fine of 200*l.*, and an ordinary Consul one year and 100*l.*

The Consular jurisdiction in civil suits is unlimited, and these may be tried before a jury in the Supreme Court, and

in a court presided over by a Legal Vice-Consul, if either of the parties desire or the judge orders it to be so heard.

A jurisdiction similar to that enjoyed in Turkey has been conceded by treaty to consuls in China and Japan, and a Supreme Court for the countries established in Shanghai. The ordinary duties of our consuls are to register the births and deaths of British subjects, to perform marriages (under a special Act of Parliament), to administer oaths and declarations, to attest Protests and other Notarial Acts, to witness the discharge and engagement of seamen, to relieve and forward to their country British subjects in distress, to manage the affairs of the church where there is one, to report every year upon the commerce of their port, to settle (as far as they can) all disputes between their countrymen and to advise them in cases of difficulty, to see that treaty obligations respecting trade and navigation are properly kept, to assist ships in cases of wreck or casualty, and generally to watch over British interests. They correspond directly with the Secretary of State for Foreign Affairs, but in all important cases send a duplicate of their despatches to the Diplomatic Agent resident in the countries where they serve, to whom, when they cannot settle any question with the local authority, they refer it.

A Consul cannot enter upon his duties until he has received what is called his *exequatur*, a document in which the Government of the country in which he is to serve approves his appointment. This exequatur may be withdrawn.

Vice-Consuls act under the direction of Consuls, to assist them either at their own port or at other places within the consular district.

There is little to distinguish Consular Agents from Vice-Consuls.

We have consular officers in nearly every port throughout the world which is frequented by British shipping. There are—

36 Consuls-General;
137 Consuls;
431 Vice-Consuls;
56 Consular Agents.

There is no fixed rate of pay and emolument in the Diplomatic and Consular Services. The amount varies in proportion to the importance of the post and the expense of living. Some are unpaid.

Formerly, consuls were permitted to trade, but in the appointments of recent years this has been prohibited. They also had as part of their emoluments the fees they charged for notarial and other acts; but this, too, has been changed, and all fees are now paid into the Treasury, except in a very few cases of consuls who were appointed before the change was made.

For the more effectual suppression of the slave trade the following commissions are established. At Havana, the judge and consul-general; at Mozambique, the consul; at Sierra Leone, the judge; and at Zanzibar, the agent and consul-general. The duties of these special commissions relate chiefly to the condemnation of captured slavers.

It may be noticed that there is a singular provision in the Mutiny Act with regard to all such negroes as shall have been seized and condemned as prize under the Slave Trade Acts. It seems such negroes may be *appointed* to serve in her Majesty's army, and are to be considered entitled to the same privileges as negroes or persons of colour who have *voluntarily* enlisted.

LETTER XIII.

THE ARMY.

Origin and History of Standing Armies—The Feudal System—Mercenary Soldiers—Ancient Warfare—The Mutiny Act—The Secretary for War—The Staff—Cavalry—Infantry—Quartering of Troops—Camps—Autumn Manœuvres—Late Purchase System—Brevet Rank—Recruiting—Pay System—Dragoon Regiments—Names of Regiments—Regimental Colours—The Royal Artillery—The Royal Engineers—Composition of the Army—Precedence of Corps—Courts Martial—Order of the Bath—Victoria Cross—Decorations—Pensions and Rewards—The Reserve Forces—The Militia—The Yeomanry—The Volunteers—Reserve Forces—The Army Reserve.

THE force maintained for the defence of this kingdom and its numerous dependencies against foreign attack, for the support of order at home, and for the security of our vast commerce, spreading over the entire surface of the globe, consists principally of THE ARMY and THE NAVY.

In treating of the first of these, I propose to commence by telling you something about the origin of a standing army in this country, and then to explain its composition and management.

I have already described how the military service of our ancestors was constituted under the feudal system. In the rude ages in which it existed, the force it provided was sufficient in every respect to protect our shores. All persons holding *knights' fees* (of which there were more than 60,000 in England alone), were bound to be in readiness to attend their sovereign for forty days' service every year. Those who were unable or unwilling to take up arms were obliged to provide efficient substitutes, so that when a rebellion broke out, or an invasion was threatened, an army of 60,000 men could be brought into the field with very little delay, and no expense to the Crown. There were few fortified places in those days, and campaigns were not planned upon scientific principles. The contending forces usually attacked each other without delay, and the cause for which they fought was generally won and lost within the forty days. If the

war was of longer duration, the feudal militia were entitled to return to their homes, or continuing to serve, to be paid by the sovereign.

When our kings of the house of Plantagenet began their foreign wars, and encountered the partially trained soldiers of France, they found that they required more continuous and experienced services from their subjects than the Feudal system could provide. They therefore began to commute the military services of their *tenants in capite* for a money payment, or *scutage*, as it was termed, charged upon every knight's fee. Thus, when Henry II. was about to engage in hostilities against the Count of Toulouse, in 1159, instead of requiring all his vassals to accompany him, he imposed upon them a scutage, which produced a sum equal to 2,700,000*l.* of the money of the present day, with which he provided himself with an army accustomed to the march, and to be relied upon on the battle-field, and thus gained much popularity from those of his subjects who preferred remaining at home, in the pursuit of more peaceful avocations. At last money payments were entirely substituted for feudal services, which were finally abolished by the statute 12 Charles II. c. 24.

Philip Augustus of France was the first king who established an army of paid troops, in no way connected with the feudal militia, to protect his throne and humbler subjects from the lawlessness and tyranny of his great vassals. From the fact of their receiving money, they were called *Soldati* (whence our word "soldier"), derived from *soldo*, the Italian for *pay*. Several of our English sovereigns also maintained similar bodies of mercenaries, and paid them out of the revenues of the vast estates belonging to the Crown. Regular garrisons were kept in the Tower of London, the Castle of Dover, and in the Marches along the Scottish border —posts of great military importance, where the presence of trained soldiers was always required; but with these exceptions the troops I have mentioned were only raised for some special purpose, and were disbanded as soon as the occasion for which they were embodied had passed.

Until the reign of Charles VII. of France, what we now designate a *standing army*—that is, a body of soldiers trained and paid by government, and kept under arms during peace for the defence of the State—was unknown. By this time the invention of gunpowder had entirely swept away the ancient plan of making war. As long as personal courage,

strength, and daring decided the fate of a battle, war had great charms for noble knights who fought, each one at his own expense, on horseback, cased in armour, and were always the principal combatants. Intellectual employment was almost unknown in those days, war and the chase being considered the only pursuits worthy the attention of a gentleman. But the introduction of firearms, especially artillery, deprived brute force and valour of their exclusive importance. It was one thing, encased in proof mail, to ride amongst an undisciplined and almost unarmed herd of leather-clad countrymen, and to mow them down with two-handed-swords; but to charge a line of sturdy pikemen, supported by a rear rank of musketeers, whose bullets sent horse and rider rolling in the dust before the latter had the opportunity of striking a blow, was a very different state of affairs. Generals began to see the necessity for regular tactics under these new conditions. A crowd of armed men, each one fighting for himself, was no longer of any use in settling the disputes of nations. A military machine that could be directed with exact and steady action by the master-mind of the commander, was required. To produce this, practice, training, and strict and unquestioning obedience were demanded, and the presence of a lower order of men was required in the ranks. The great importance of regular infantry became every day more and more apparent; war was reduced to a science, and standing armies were established throughout the continent of Europe.

The origin of our own present standing army dates as far back as 1660, when Charles II. formed two regiments of guards, one of horse and one of foot, and with those (and some other troops brought over from abroad) he organized a force of 5000 men. This number was increased during the reign of James II. to 30,000 soldiers. The embodiment of this army was, however, never sanctioned by Parliament; the king raised it by his own authority, and paid it out of the civil list by wrongfully appropriating money granted for other purposes. With this force he hoped to awe his subjects into submitting to the unconstitutional encroachments which had sent his father to the block. The hope, however, was a delusive one. So treacherous and fickle was his conduct, that civilians and the military made common cause against him, and no sooner had the Prince of Orange landed, than, as you know, the army joined his standard almost to a man.

But the danger which our forefathers thus escaped was a great one, and one which they were determined not to risk again. If you will turn back to my Letter in which I gave you some extracts from the Bill of Rights, you will see that a standing army cannot be maintained without the consent of Parliament. This is practically given by passing the *Mutiny Act*, in which the number of soldiers to be employed, the terms upon which they shall be enlisted, the offences for which they shall be punished, and the manner in which they shall be billeted, paid, and pensioned, are laid down. The discipline of the army is regulated by the Articles of War, which are issued by the Crown in conformity with the Mutiny Act, and printed with it.

You will remember my telling you that the sovereign is the head of the army; but military matters are managed by the Secretary of State for War, who, however, is supposed to act with the advice of the Field-Marshal or General Commanding in Chief.

Until recently the Field-Marshal Commanding in Chief had his official residence at the Horse Guards, and was in most respects independent of the Secretary of State for War; but this system of dual government of the army was found to possess many disadvantages, and the staff of the Horse Guards was removed to the War Office and formed into a department of that establishment, of which the Secretary of State for War is the head.

The special duty of the Secretary of State for War is to arrange the number of men that Parliament is to be called upon to provide for, and form the Estimates accordingly; he decides what troops are to be sent abroad in time of war, appoints the generals who are to command them, and is the constitutional medium between the Government and the army; he also appoints officers to the Militia and Reserve Forces, and all promotions in the regular army are submitted to him before being forwarded for her Majesty's approval. The Field-Marshal Commanding in Chief is responsible for the discipline and recruiting of the army. He is assisted by several subordinate officers, such as

The Adjutant-General, who has the superintendence of all matters relating to what is called the *personnel* of the army; he is the channel through which all officers communicate with the Field-Marshal Commanding in Chief; and all instructions, regulations, and orders relative to the recruiting,

organization, and discipline of the army, and applications for leave of absence, come through him. He regulates also the employment of officers on the Staff, &c. Some of these duties, however, are often taken by the *Military Secretary*.

The Quartermaster General, whose duty is to prescribe, map out, and plan routes of marches; to pitch camps and find quarters for the troops; to manage their embarkation and disembarkation; to provide the means of transport for their stores, &c.;

The Paymaster-General, who distributes the pay of the army.

The Surveyor-General of the Ordnance, who is the chief of the Control Department, which supplies the troops with stores and provisions. These two latter officers are immediately under the Secretary of State for War.

Each of these officers has a host of subordinates and clerks to transact the business of his department.

The British army consists of cavalry, artillery, engineers, and infantry. That portion of it called *the Guards*, or the "Household troops,"* as they are also termed, because they guard the palaces and person of the sovereign, comprises the Grenadier, Coldstream, and Scots regiments of Foot Guards; the 1st and 2nd regiments of Life Guards, and the Royal Horse Guards, or Blues. The three latter, which are cavalry, greatly distinguished themselves in the Peninsula War, as well as at Waterloo, but they have not been employed on foreign service since 1815. The strength of our regiments varies according to circumstances from 500 to 1000 men.

Regiments in India are paid by the Indian Government, formerly by the East India Company, when that corporation existed, not by this country, and receive their pay on ac-

* The ordinary strength of the household troops is:—Foot-guards, three regiments, having seven battalions of men, inclusive of 258 officers. Cavalry, three regiments, 1,[illegible] men, inclusive of 99 officers. There are two other corps attached to the person of the sovereign, and which are rarely employed but at levees and other ceremonials; but these can scarcely be considered [illegible] household troops, to form part of the army. The first [illegible] Gentlemen at Arms," and consist of a captain, lieutenant, standard bearer, harbinger, clerk of the cheque or adjutant, a surgeon, and forty gentlemen. The other is called the "Yeomen of the Guard," or in common parlance, "Beef Eaters," who until very lately have worn a singular costume, the fashion of which had not been altered since the days of Henry VIII. This corps consists of 100 men, with the following officers, captain, lieutenant, ensign, and two exons or corporals.

count of the necessary expenses being much greater in India than in this country.

Officers below the rank of captain are called *Subalterns;* majors, lieutenant-colonels, and colonels, *Field Officers;* and above the latter grade, *General Officers.*

When a regiment of cavalry or an infantry battalion is sent abroad, two troops or companies remain behind to form the *depôt*, which is to supply vacancies, &c. The remainder are called the *Service* troops, or companies.

When peace was proclaimed after the great war with France, and the army returned, it was for a while popular enough; but soon afterwards great political agitation took place—to such an extent, indeed, that for a time the Habeas Corpus Act was suspended, and our soldiers were scattered in small bodies over the country, to act as police and check disturbances, particularly in Ireland. It was for a long time deemed impolitic to familiarize the English people with the display of soldiers massed together, and it was hoped that by their dispersion in detachments, the existence of a standing army might be almost ignored. The concession to popular prejudices, which were not unreasonably founded, combined with other conciliatory measures, eventually restored confidence, and soldiers ceased to be regarded as obnoxious agents of unconstitutional power. The troops meanwhile, from being cooped up in small detachments, had lost much of their former efficiency; and it was found that, when occasionally brought together to execute manœuvres of any importance, they were strange to such duties, and unhandy in the performance of them. It was then felt that, if suddenly called upon to meet a foreign foe, an army composed of such raw materials would be no fair match for Continental troops, trained to act together in large bodies—comprising every description of force, and forming complete armies. To remedy this defect, camps were subsequently formed, first at Chobham, and afterwards at Aldershot, Shorncliffe, and the Curragh in Ireland, and occasionally for siege operations at Chatham, where our soldiers were enabled to practise manœuvring in large bodies, and rehearse some of the ordinary operations of a campaign, and the attack and defence of fortified places. In the year 1871 a system of autumn manœuvres was started, comprising a force of all arms of the regular army, together with regiments of militia and volunteers. This army was subdivided into two *corps d'armée*,

one representing an attacking, and the other a defending force. Marches were made, sham battles fought, and umpires were appointed to determine on which side victory would have been likely to have fallen, in actual warfare, according to the tactics and disposition of the troops made by the generals in command of the respective *corps d'armée*.

These manœuvres were intended to be continued annually during the autumn months, and, in point of fact, were continued in 1872 in Wilts and Dorsetshire; and in 1873 at Dartmoor, and at Cannock Chase in Staffordshire, but after that year the system of forming annually a large Camp of Instruction at Aldershot was substituted.

The organization of bodies of infantry is at present as follows :—Three battalions form an infantry *brigade*. Two brigades together, with an extra battalion, furnish the infantry for a *division*.

The proportion of the different arms in the British Army depends, in actual warfare, on the nature of the country and the service to be performed; but, as an abstract organization, that at present sanctioned for a division is as follows :—Two brigades of infantry, *i.e.*, seven battalions; one battalion of rifles; one regiment of cavalry; three batteries of field artillery; one company of engineers; one infantry, and artillery, reserve ammunition column. Three such divisions form an army corps, which is completed by the corps artillery (three batteries horse artillery, two field artillery, and an ammunition column); corps engineers (one company and field park, one pontoon troop, and a half telegraph troop), together with a cavalry brigade (three regiments, and one battery of horse artillery).

In writing on the subject of the British army, it is necessary to refer to the system of the purchase of commissions—a system now abolished, but which was obtained since the army was first established, more than two hundred years ago, and under which the army has so often been led to victory. It took its origin from the time of Charles II., when the officers of his body-guard were authorized to sell their appointments on retiring from the service, and has prevailed (with the exception of a short period during the reign of William III.) until November, 1871.

In theory, perhaps, it could scarcely be defended, as it might be stated that an officer possessed of no other qualifications but an ample fortune could purchase over the heads

of less fortunate, but more deserving brother officers, and thus important commands would fall to the share of rich, but incapable officers; but in practice this was not of very frequent occurrence, and it was always in the power of the Sovereign, by the advice of the Field-Marshal Commanding in Chief, to remove an inattentive or incapable officer, no matter what amount of money he might have expended in the purchase of his commissions. The system of purchase had what perhaps may be considered by some the questionable advantage of bringing into the commissioned ranks men of position and means sufficient to render them quite independent of the small income afforded by their regimental pay, and who therefore served merely from patriotic feelings, or for the honour of belonging to the noble profession of arms; it was found also that the private soldier would more readily follow an officer belonging to a rank above himself than one sprung from his own class. Nevertheless, a feeling arose in the country in favour of what was termed *professional* officers, and to throw commissions open to all who could pass a certain examination; and the system of purchase was swept away.

The present system is, that any person under a certain age, who may be desirous of obtaining a commission, shall send his name to the Military Secretary, expressing his wish to compete at a periodical examination; if successful at this examination, he will be appointed an acting lieutenant for one year, when, if reported on favourably, his acting commission will be made permanent, and he will rise by seniority to the rank of major, when seniority will be tempered by *selection*. I may here mention that in the scientific branches of the army—the Artillery and Engineers—the system of purchase never existed, but promotion was obtained by seniority.

What is called *brevet rank* is given to all officers, except subalterns, in every branch of the army as a reward for brilliant and lengthened service. When officers desire to retire from active service on account of ill-health, wounds, &c., or when the strength of a regiment is reduced, they are, on obtaining permission from the authorities, put upon *half-pay*, which is little more than a moiety of the full-pay of their rank; they are, however, liable to be called upon to resume their duties.

The British army is the only force in Europe that is composed of volunteers. The great military forces of the

Continent depend almost wholly upon conscription; but in our service the ranks are filled by voluntary enlistment, and recruiting parties are stationed in all our large towns expressly for that purpose. Recruits are now enlisted under the provisions of the "Army Enlistment Act, 1870," (33 & 34 Vict. c. 67,) the principal of which are as follows:—Section 2 provides that "No person shall be enlisted for the first term of his engagement to serve her Majesty as a soldier for a longer period than twelve years, to be reckoned from the day of attestation." By section 3, enlistments are of two kinds:—(1) For the whole of said period in army service; or (2) For a portion of said period, to be fixed from time to time by the Secretary of State and specified in the attestation paper in army service, and for the residue thereof in the first class of the reserve force. The section also provides that nothing in the Act shall interfere with the power of her Majesty to enlist men for a less period than twelve years in army service alone. By section 4, the Secretary of State may from time to time by general or special regulations vary the conditions of service so as to permit a soldier who has served not less than three years in army service, with such soldier's free assent, either (1) to enter the reserve force at once for the residue unexpired of his term of twelve years; or (2) to extend his army service for the residue unexpired of his term of twelve years. Section 8 provides that "any soldier (1) who being in army service has commenced the twelfth year from his first enlistment; (2) who being within three years of the expiration of his first enlistment and in army service has been ordered but has not yet proceeded on foreign service, may be engaged for such further period of army service as will make up a total continuous period of twenty-one years in her Majesty's service." Section 9 limits the number of men in the militia and army reserve to 60,000. Section 20 defines the meaning of the term "reserve forces" to include "army reserve, militia reserve, any other reserve forces as defined by Act of Parliament, also militia, yeomanry, volunteers, and any other land forces whatever within the United Kingdom subject, or liable to be called on to serve her Majesty in any military capacity and not forming part of the regular army." When enlisted he is taken before a justice of the peace, who is directed by the Mutiny Act to put to him certain questions, to give him time to reflect upon what he has done, and to prevent hasty or incautious enlist-

ment. If he should change his mind, he is dismissed upon paying a fine of twenty shillings, popularly known as *smart money;* but if he does not, he is *attested*, and after that, should he abscond, he is considered and punished as a deserter. A recruit receives 1*l.* bounty and a free kit on joining. If his conduct be good, he may rise to be a non-commissioned, and even a commissioned officer. In the latter case he is presented in the cavalry with 150*l.*, and in the infantry with 100*l.*, to purchase an outfit.

The daily pay of a private soldier commences with one shilling and twopence in the infantry, and increases according to his merits and good conduct until, if he rises to the senior noncommissioned ranks, it amounts to between four and five shillings. Over and above all deductions for food, the private soldier of the line has about fivepence a day left to him to spend as he pleases. This may seem a small sum; but it must be remembered that his food and clothing are paid for, that he is provided with light, fire, and house rent free, as well as medical attendance; and that if he behaves himself well, he has good prospects of promotion, and the certainty of a pension for his latter days, provided he remains twenty-one years in the regular army. The majority of men in the ranks of life from which he springs are certainly not so well off in many respects.

On the 1st April, 1876, a system of what is called "deferred pay" came into operation. By it the sum of 2*d.* per diem is held back from the pay of every non-commissioned officer and private, which sum is placed to the credit of each man, and on his discharge the amount standing to his credit is paid over to him in respect of all service dating from the 1st April, 1876, whether he has completed twelve years' army service or not. In the event of a man dying while in army service, the money will be paid to his representatives.

The men of the Army Reserve have the option of being subject to the deferred pay system; but in their case the sum of 2*d.* per diem is paid annually in arrear to each man. The sum of 1*l.* per man now paid to each man for necessaries is not to be paid to men accepting the new terms.

I will now turn to the organization of the army. The cavalry are termed either *heavy* or *light*, according to the nature of their respective duties on service, and the manner in which they are mounted and armed. Our heavy cavalry,

besides the three regiments of Household troops previously mentioned, consists of ten regiments, seven of which are known as "Dragoon Guards," and the other three as "Dragoons."* We have at present eighteen regiments of light cavalry. Of these, five regiments are *Lancers*, so called from the weapon with which they are armed—namely, the 5th, 9th, 12th, 16th, and 17th—and the remainder *Hussars*—which name is derived from the Hungarian words *husz* (twenty), and *ar* (pay), because every twenty houses had to provide one horse-soldier. The Hussar regiments are the 3rd, 4th, 7th, 8th, 10th, 11th, 13th, 14th, 15th, 18th, 19th, 20th and 21st.

Each regiment is known by its number, and almost all have a distinguishing name in addition. Thus in the cavalry the 1st Dragoon Guards is called "the King's;" the 2nd is known as "the Queen's Bays;" the 4th, "the Royal Irish;" the 6th, "the Carabineers." The 1st Dragoons, "the Royals;" the 2nd, "the Scots Greys"; the 6th, "the Inniskillings"; the 8th Hussars, "the King's Royal Irish"; the 10th Hussars, "the Prince of Wales' Own Royal Hussars."

In the Infantry most of the regiments have either a county or a national appellation, showing where the corps was originally raised; as for instance, the 1st Foot is styled "the Royal Scots Regiment;" the 3rd, the East Kent, "the Buffs;" the 18th, "the Royal Irish; the 41st, "the Welsh"

There are nine Highland regiments, viz., the 42nd R[illegible] Highlanders — the famous "Black Watch;" t[illegible] Highland Light Infantry; the 72nd, "Duke of [illegible] Own Highlanders;" the 74th, Highland; the [illegible] Ross-shire Buffs;" the 79th, "Queen's Own [illegible] landers;" the 91st, "Princess Louise's [illegible] landers;" the 92nd, "Gordon High[illegible] 93rd, "Sutherland Highlanders."† Be[illegible] ments, there are eight others of Sc[illegible] 21st, 25th, 26th, 73rd, 75th, 90[illegible] the New Brigade Depôt arr[illegible] three of these regiments,—[illegible] Scotland is severed exc[illegible]

The Irish regiment[illegible]

* The term "dragoon [illegible] lances ornamented with t[illegible] both on horseback and o[illegible]

† Of these, five regim[illegible] 92nd, and 93rd; the o[illegible]

Irish; 27th, "Inniskilling;" 83rd, "County of Dublin;" 86th, "Royal County Down;" 87th, "Royal Irish Fusiliers;" and the 88th, "the Connaught Rangers." The Welsh have but two national regiments, viz. the 23rd, "Royal Welsh Fusiliers;" and the 41st, "the Welsh."

That the Highland and Irish regiments keep up their national character the following particulars, extracted from a return recently made to the House of Commons (an abstract of which will be found further on) will show—

HIGHLAND.

Number of Regiment	Scotch.	English and Irish.
42nd	783	101
71st	747	119
72nd	682	276
78th	363	163
79th	414	115
92nd	739	154

IRISH.

Number of Regiment	Irish	English and Scotch
18th (2 Batts.)	1372	327
27th	745	135
[illegible]th	619	111
	479	225
	734	119

[illegible]rom 101st to 109th (both inclusive) were [illegible] regiments in the service of the Hon. [illegible]and were raised for service in India [illegible]ion of the Government of India by [illegible]ria, in 1859, after the mutiny [illegible]nelled, these regiments were [illegible]e, and numbered with the [illegible]ke their turns of Home

[illegible]f four battalions, and [illegible]mbered) called the [illegible]d of four battalions. [illegible]ave two battalions

Every battalion of Foot (excepting the eight Rifle battalions above mentioned) has two flags, a Royal or First Colour and a Regimental or Second Colour. Upon this second colour is emblazoned the arms or crest of the regiment, its badges, distinctions, and the names of the victories to which it has contributed, the whole ensigned by the Imperial Crown. No addition or alteration whatever can be made on any colour without the special authority of the Queen.

The royal or first colour of the regiments of Foot Guards is crimson, and the regimental or second colour for each battalion, is the Great Union, and bears one of the ancient badges conferred by royal authority on each of the companies composing the respective battalions; the badges being borne in turn as the colours are renewed.

The regiment of Grenadier Guards has a crimson standard, presented in 1832 to the King's or Queen's Company by his late Majesty King William IV. It bears the royal cipher crowned, emblazoned on the centre, with the badge of England in the first and fourth corners, that of Scotland in the second, and that of Ireland in the third corner, each surmounted by the imperial crown.

The royal or first colour of the line regiment is the Great Union, bearing in the centre the imperial crown, and the regimental, or second colour, is of the colour of the facing of the regiment (excepting in regiments having red, white, or black facings), with the Union in the upper canton or corner.

Amongst the many badges and mottoes borne by regiments the following are of the most frequent and are generally commemorative of some imp[ortant] tion or campaign in which the regiment has s[erved] tar," with the "Castle and Key," and t[he] insignia Calpe;" "Hindostan, with the with the Sphinx;" "The White h[orse] aspera terrent;" "The Royal T[iger]" Dragon," &c. [illegible] its second c[olour] the second, [illegible] Arms of N[ova] Præmium." [illegible] in Indis," h[is] army which the battle of

The standards of Cavalry regiments bear similar honourable badges and distinctions. The Regiment of Royal Horse Guards has a standard presented to it by his late Majesty King William IV. in 1832, which bears the words, "Dettingen," "Minden," "Warbourg," "Cateau," as well as "Peninsula" and "Waterloo."

Hussar and Lancer regiments no longer carry standards.

The Artillery has become in recent warfare the most important arm of the military service. The Royal Artillery is divided into brigades, which are again subdivided into batteries. This organization has many disadvantages, and there is a considerable feeling in favour of making the battery the *unit* instead of the brigade; that is, that all movements from one station to another should be regulated entirely by batteries, instead of by the more cumbrous movement of a whole brigade. It numbers nearly 30,000 officers, non-commissioned officers, and rank and file; but of that number at least one half are quartered in India and the Colonies. There are three branches of the Royal Artillery —viz., Horse Artillery, Field Artillery, and Garrison Artillery; the two former are used for operations in the field and the latter for the defence and attack of fortresses. The gunners of the Field Artillery are carried on the limbers and ammunition waggons, those of the Horse Artillery are mounted, and accompany the guns.

Royal Engineers, the rank and file of which corps [illegible]rly called the "Royal Sappers and Miners," is also [illegible]nguished and useful branch of the service. It is [illegible]he construction of fortifications and entrench-[illegible]my in the field, and to carry on mining [illegible]ducts siege operations, constructs bridges [illegible]ssing rivers, and other necessary works. [illegible]e "Field Telegraph," both in laying [illegible] also a Torpedo Company. Com-[illegible] Engin[illegible]nstituting the [illegible]n for public [illegible]y submitted [illegible]this proviso [illegible]he applicant [illegible]ge; the age [illegible]. These two

of the Board of Ordnance, but are now merged into the general management of the army.

The following is an abstract of a return to an address of the House of Commons, dated August, 1878, of the number of English, Scotch, and Irish officers, non-commissioned officers, corporals, and privates in each regiment of Foot Guards, Household Cavalry, Royal Engineers, and Artillery, also of Cavalry of the Line and Infantry of the line and Rifle Brigade :—

	Officers.			Non-commissioned Officers and Men		
Arms	English	Scotch.	Irish	English	Scotch	Irish.
Household Cavalry .	65	11	10	930	193	83
Cavalry of the Line	542	61	153	12,436	950	1,905
Royal Horse Artillery	201	21	24	4,4[illegible]	[illegible]34	666
Royal Artillery .	884	70	161	20,177	2,017	5,4[illegible]
Royal Engineers .	577	137	83	4,872	436	554
Foot Guards	205	30	17	4,842	566	346
Infantry of the Line	3,252	439	926	74,367	9,477	20,448
Army Service Corps .	5	—	1	2,703	136	263
Army Hospital Corps	27	7	11	1,007	126	390
Total . . .	5,738	785	1,386	124,708	14,235	30,121
Brigade Depôts* . .	21	62	117	4,198	619	1,608

The foregoing is an outline of the composition of the hard-worked army of Great Britain, which in turn is sent all over the world to protect her rights and interests. The following is the order of precedence of the several regiments and corps of H.M.'s Service, viz. :—

1st. The regiments of Life Guards and the Royal Horse Guards.

2nd. The Royal Horse Artillery; but on parade with their guns, this corps takes the right and marches at the head of the Household Cavalry.

3rd. The regiments of Cavalry of the line, according to their number and order of precedence.

4th. The Royal Regiment of Artillery.

5th. The corps of Royal Engineers.

6th. The regiments of Foot Guards.

* The Brigade Depôts are not included in the return of men on active service, generally consisting of young soldiers undergoing preliminary training.

7th. The regiments of Infantry of the Line, according to their number and order of precedence.

8th. The Departmental Corps, *i. e.*, the Army Service and Army Hospital Corps.

The Royal Marines, when acting with the troops of the Line, take rank next to the 49th Regiment. The Rifle Brigade ranks next to the 93rd Regiment. The order of precedence is governed by the date of enrolment of these corps.

There are also three local corps belonging to the British army which never serve in Great Britain and Ireland, viz., the 1st and 2nd West India Regiments, which serve alternately in the West Indies and at Sierra Leone, and the Royal Malta Fencible Artillery, for the defence of that island.

Offenders against military discipline are tried before *Courts Martial*, composed of officers selected from the regiment or the garrison in which the prisoner serves. The Judge Advocate General, who is a civilian nominated by Government, has the control of these tribunals. A Deputy Judge Advocate, generally an officer, attends every *general* Court Martial, which assembles for the trial of very grave offences, and sees that it is conducted according to law—*Garrison* and *Regimental* Courts Martial being for minor offences. A Court Martial consists of a president and from four to twelve members, according to the nature of the Court. The charge against the accused, which must be in proper form, is read over to him, and the evidence against and for him heard and reduced to writing. This done, the prisoner is ordered to withdraw, and the Court deliberates upon its verdict, which as well as the punishment to follow it, should it be one of "guilty," is decided by a majority. The "proceedings," comprising the charge and evidence, are then submitted to the General Commanding the District in case of a District Court Martial, to the Field Marshal Commanding in Chief in case of a General Court Martial, and to the Colonel of the Regiment in that of a Regimental one, who either "approves and confirms" them, or sends them back for further consideration, or sets them aside altogether. The result of the trial is not allowed to transpire, even to the prisoner, until this officer's decision is made known.

The rewards for long and meritorious service which are bestowed upon our brave defenders, form a more pleasing subject than the last; these are given in the shape of titles, pensions, promotions, and decorations. The Sovereign has,

as you know, the right of bestowing any distinction upon a subject. Peerages and baronetcies are frequently given to the heroes of great military achievements, and the people of England are by no means backward in granting the substantial means necessary for keeping up those dignities, as witness the provision made for Marlborough and Wellington by a grateful nation, and, in our time, for Williams, the gallant defender of Kars, for the son of the brave and lamented Havelock, and for Lord Napier of Magdala.

The *Order of the Bath* is a decoration much coveted by military and naval officers. There is also a civil branch of this order for non-combatants: it is divided into three ranks:—

Knights Grand Crosses	G.C.B.
Knights Commanders	K.C.B.
Companions	C.B.

The decoration is a star. The Order of St. Michael and St. George is bestowed upon officers who have distinguished themselves in any of our colonies. This is a civil as well as military order.

The most exalted Order of the Star of India is the reward of meritorious services in that country.

But perhaps the most highly prized decoration worn by our army and navy is the *Victoria Cross*. This is a plain piece of bronze, but upon it is imprinted the magic motto "*For valour*," and it is only awarded for the most devoted and daring bravery in the field.

Medals are often struck to commemorate successful actions or campaigns, and are distributed to and worn by all ranks that have taken part in them. The medal itself commemorates the campaign, and clasps are added to the ribbon which suspends it, upon each of which is engraved the name of the particular action for which the wearer has received it.

I may state here that no subject of her Majesty may accept or wear any foreign order or medal without her permission, signified by a warrant under the Royal Sign Manual: and that this permission is not given except when the order or medal is to be conferred in consequence of active service before the enemy, or where the recipient is actively or entirely employed beyond her Majesty's dominions, in the service of the foreign Sovereign, by whom the order or medal is conferred.

No permission is necessary for accepting a foreign order, if it is not to be worn.

Pensions are given to non-commissioned officers and privates, who from wounds or infirmities are no longer fit for service. *Out*-pensioners receive their pay, and live where they please. *In*-pensioners are lodged and maintained in the hospitals at Chelsea, near London, and Kilmainham in Dublin.

It is now necessary to speak of the *Reserve* forces, and first of the ancient constitutional guardian of our shores, and which of late years has proved such an admirable nursery for the regular army, I mean the *militia*. This term in its general sense, signifies the whole body of persons, stipendiary or not, who bear arms for the defence of the state; but now its meaning is restricted to the forces raised in our counties and for service in them. Formerly the militia was raised by ballot—every person upon whom the lot fell was bound to serve or find a substitute—but now its recruits are enlisted as in the regular army. Every county has its regiment of militia, the large ones having several: thus Middlesex has five and Lancashire and Yorkshire eight. The following table shows the number of militia regiments in the United Kingdom:—

Artillery Militia.	No of Regiments.
England	16
Scotland	5
Ireland	12
Total	33

Infantry Militia	No of Regimts.	Rifle Regmts.
England	79, including	12
Scotland	11, ,,	2
Ireland	33, ,,	12
Total	123	Total 26

All the artillery corps, save one, are established in counties upon the sea-coast; those in the interior infantry. These are generally called together once every year for training, during a period of twenty-eight days, or longer, at the option of the Government. Under recent Acts of Parliament the militia may be permanently embodied, and even sent abroad. During the war with Russia, many garrisons, both at home and in the Mediterranean, were manned by militia regiments so embodied, much to their own credit and greatly to the ad-

vantage of the state, for we were thus enabled to withdraw the regular troops from those places, and to send them to reinforce our hard-worked battalions before Sebastopol. Moreover the militia supplied thousands of recruits for the line—men who had had some experience of a soldier's life, liked it, and were already more than half-trained to their duties. The officers and men of the militia, except the adjutant and staff, are only paid when called out for training, or as long as they are embodied. In England and Wales we have ninety-nine regiments of militia; in Scotland sixteen; and in Ireland forty-five. The number of men to be called up for twenty-eight days' training is stated at 128,969. Commissions in the militia are given by the Secretary of State for War on the recommendation of Lords-Lieutenant of the counties.

In the Channel Islands there are ten regiments of militia, comprising four regiments of artillery and six of infantry. Service in the Channel Islands militia is compulsory.

A somewhat similarly constituted force to the militia is the yeomanry cavalry.

I must next refer to the *Volunteer* force. Owing its origin to the dread of a French invasion, it has survived the cause from which it sprang, and has now become a permanent element in our system of national defence. At present it consists of about 190,000 men, who give their services gratuitously, although a small sum is annually voted by Parliament in order to defray a portion at least of the necessary expenses of the various corps, and to provide for the pay of the staff. To obtain this grant, however, a fixed proportion of men in a corps must have attended a certain number of drills in the course of the year.

Before concluding my letter I must say something about the *Army Reserve*. When the late war between Prussia and France resulted in the sudden collapse of what had always been considered the greatest military Power on the Continent—a Power possessing a standing army of some 600,000 men, and a military population to back them up of almost unlimited extent—Great Britain began to open her eyes to her own condition, and to say if by any mischance her fleet should be either evaded or defeated, what had she, for a second line, to oppose to an invader? Her regular troops were second to none in the world, but what could 60,000 men do—however good they might be—against an enemy of

ten times their number? There were the militia and the volunteers to aid the regular troops, but their discipline was not of the highest order; and the way in which the raw conscripts of France were trodden under foot by the disciplined forces of Prussia—after the regular army had been subdued—showed how little dependence could be placed on undisciplined valour; so naturally, the idea occurred besides of working these three forces—the army, the militia, and the volunteers into one "harmonious whole;" to supplement them by a population who would have passed a certain time in the regular army, and who would in time of peril be ready to return to the ranks and fight for their country. To this end it was proposed to make enlistment an engagement of only six years, after which time the soldier was to return to his civil employment, with a retaining fee of fourpence a day, with the understanding that he was to be called out for drill for a few days in each year, and to be ready for service when called upon. This scheme, upon its being first put forward, met with severe adverse criticism from military men of experience and authority.

By many it was regarded as a dangerous experiment which, whilst it might entirely fail in its ulterior object, *i. e.*, the foundation of an Army Reserve, might at the same time seriously injure the Active Army. It was said that recruits would not be forthcoming, from time to time, in sufficient numbers to keep up the requisite strength of the Army, as men were drafted into the Reserve.

Then, again, it was thought that it would be impossible to find enough men willing to take long service without extra pecuniary inducements, and that, consequently, special recruiting of men for Indian and Colonial Service would have to be adopted at a largely increased cost.

It was also said that in the event of any difficulty arising by which this country might be involved in a war with any of the Continental Powers, that the men who had been drafted into the Army Reserve would not come forward when called on to rejoin the colours.

With regard to the first two points, there has been apparently hitherto no difficulty whatever in finding a sufficiency of suitable recruits for all purposes.

How utterly groundless the anticipation that the men of the Army Reserve, when required for service, would be found wanting, the spring of the year 1878 has shown.

At that time, when matters in the East looked threatening, and the probability of Great Britain being engaged in war with Russia was imminent, the men of the Army Reserve were called on by the Queen. How splendidly they responded; with what cheerful alacrity and courage the men came pouring in to the various centres to rejoin their regiments from all parts of the kingdom, is now a matter of history! Many of them gave up lucrative civil employment. Those who, either from unwillingness or sickness, or absence at sea (as happened in some cases), failed to appear and report themselves were but some three per cent. of the whole!

That the crisis, which tested the reality, and proved the loyal devotion of the Army Reserve passed peacefully by, is a subject for thankfulness; its consequences, in so far as they showed the Army Reserve to be not merely an absolute fact, but composed of men who could be relied on when required, should be matter for congratulation and pride to every Englishman.

The Army Reserve, though in its infancy, numbers already 43,000 men.

The total strength of the British army, exclusive of men serving in India, who number about 70,000 of all ranks, is stated in the following summary:—

Regular Army, Home and Colonial Establishments, exclusive of men serving in India	135,500
Militia (Infantry and Artillery)	136,700
Rifle and Engineer Volunteers	147,900
Artillery Volunteers	33,400
Yeomanry Cavalry	14,600
Army Reserve	43,000
Grand total	511,100

LETTER XIV.

THE NAVY.

Popularity of the Navy—Early History—Naval Ascendancy—Prizes of War—Size of Men-of-War—Board of Admiralty—Rating of Ships—Iron-clad Fleet—Stations of British Navy—Strength of Navy—Recruiting for Navy—Relative Army and Navy Rank—Commissions in the Navy—Pensioners—Coast Guard—Royal Naval Reserve—Royal Marines.

THE navy of Great Britain is perhaps the most popular of our national forces, and deservedly so. Our army has won us honour and triumphs abroad, but it is to the navy that we owe our security at home. From the time when Lord Howard of Effingham, with his great sea captains Drake, Hawkins, and Frobisher, scattered before them the wrecks of the so-called "Invincible" Spanish Armada, down to that eventful day when Nelson's victorious cannons roared in the Bay of Trafalgar, it has been our best bulwark against the invader, and but for our stout wooden walls, his devastating footsteps might even now be traced upon our pleasant pastures. The navy has never been looked upon with suspicion as a force which might be employed by an unconstitutional sovereign to curtail the liberties and rights of the people. On the contrary, save during that humiliating epoch in our history when our king was the pensioner of the French monarch, and applied to his vices and pleasures the sums which should have gone to maintain the fleet, it has been the special care both of governors and governed to keep up its strength and efficiency. In the year 1707 the House of Lords, in an address to Queen Anne, said, "that the honour, security, and wealth of this kingdom depend upon the protection and encouragement of trade, and the improving and right encouraging its naval strength . . . . *therefore we do, in the most earnest manner, beseech your*

majesty that the sea affairs may always be your first and most peculiar care." It will be an evil day for England when the principle laid down in this address is departed from.

Previous to the reign of Elizabeth our sovereigns had but few ships of war. The naval force collected to oppose the Armada was the largest armament that had ever been brought together under an English commander. It consisted of 176 ships and about 15,000 men. But of this fleet only 40 ships and 6000 sailors belonged to the royal navy; the rest were contributed by London, Bristol, Yarmouth, the Cinque Ports, &c. The navy had not yet become a separate service and distinct profession. Our captains were soldiers or sailors as occasion required. At the battle of Flodden Field the Admiral of England led the right wing of the army, and Lord Howard of Effingham was never bred up to the sea. The career of John Sheffield, Earl of Mulgrave, shows how naval appointments were made in the latter part of the sixteenth century. At the age of seventeen he volunteered to serve at sea against the Dutch, and after six weeks returned home to take the command of a troop of horse. Six years afterwards he was made captain of an eighty-four gun ship, although in the whole course of his life he had never been three months afloat. A short time afterwards he was given a regiment of foot! Under the first sovereigns of the House of Stuart our navy degenerated; but the vigorous and able administration of Oliver Cromwell speedily raised it to a magnitude and power hitherto unknown. He divided it into *rates* and *classes*, and under the command of Admiral Blake it not only equalled, but surpassed, the famous marine of Holland. James II.—himself a naval commander and his own Lord High Admiral—also paid great attention to marine affairs. At his abdication, the fleet amounted to 173 sail, measuring 101,892 tons, and having on board 6930 guns, and 42,000 seamen. Since this time the efficiency of the royal navy has steadily increased, and although there have been periods in which the combined fleets of France and Spain and other coalitions have deprived us for a short time of our ascendancy, the victories of Rodney, Howe, Duncan, St. Vincent, and Nelson soon restored to us that sovereignty of the sea to which, from our extended empire, our enormous commerce, and our maritime habits and prowess, we may still justly lay claim.

The following table will show the triumphs of our gallant tars in the last wars in which they took a principal part :—

Ships taken or destroyed by the Naval and Marine Forces of Great Britain in the French Revolutionary War, ending 1802.

Force	French.	Dutch.	Spanish	Other Nations	Total.
Ships-of-the-Line	45	25	11	2	83
Fifty-gun ships	2	1	0	0	3
Frigates	133	31	20	7	191
Sloops, &c.	161	32	55	16	264
Grand Total	341	89	86	25	541

Number of Ships taken or destroyed in the War against Buonaparte, ending 1814.

Force.	French	Spanish	Danish	Russian	American	Total
Ships-of-the-Line	70	27	23	4	0	124
Fifty gun ships	7	0	1	0	1	9
Frigates	77	36	24	6	5	148
Sloops, &c.	188	64	16	7	13	288
Grand Total	342	127	64	17	19	569

It thus appears that in a period of about twenty-one years our fleet had taken or destroyed one thousand one hundred and ten ships of the navies of our enemies !

The introduction of steamers as ships of war has caused a great revolution in naval tactics. Formerly the main object of a commander was to get what is called the *weather gauge* of his enemy ; that is to say, to sail on the side of him from which the wind is coming, so as to enable him to manœuvre round and *rake* him by sweeping the whole length of his decks with his guns in crossing his bow or stern. Steamers, however, are almost independent of wind or tide, and screw-steamers combine the advantages of steaming with sailing. Our ships are now built very much larger, and carry more and much heavier guns than they did even twenty years ago ; in fact, the largest ships-of-the-line with which Nelson and Collingwood fought would be considered as mere frigates in comparison with the mighty men-of-war of the present day. Nor is it merely in their size that the men-of-war of to-day differ from those of other times. Formerly, as I dare

say you know, they were constructed of wood; but, in order to cope with the terribly destructive power of modern artillery, they are now covered with thick plates of iron, and, indeed, now the ships of what may be called our fighting navy are entirely built of that material.

The general direction and control of all affairs connected with the Royal Navy are now entrusted by her Majesty to the Commissioners for discharging the duties of Lord High Admiral. They constitute the Board of Admiralty, and consist of five "Lords." Of these the First Lord is generally a civilian—*i. e.*, not immediately connected with the naval service. He is a member of the Cabinet. The second, third, and fourth are respectively termed the Senior Naval Lord, the Second Naval Lord, and the Junior Naval Lord. The fifth, the Civil Lord, has a seat in Parliament.

There is a financial secretary under the control of the Board, and changing with the Government. There are two permanent secretaries, termed the First Secretary, and the Naval Secretary. The First Lord has also a private secretary, and an assistant private secretary.

The CONTROLLER is no longer a Lord of the Admiralty, with a seat at the Board, but returns to his old position, and is appointed for a fixed term.

The duties of the Admiralty are very difficult to define, but the following rough sketch will give some idea of them.

The First Lord has supreme authority, and is responsible to Parliament for the administration and efficiency of the Navy; he has all appointments in chief to the command of ships of all sizes, &c. Flag officers are nominated by him, but submitted to the Queen for approval.

The following is the distribution of duties of the Sea Lords under the new Admiralty patent:—First Naval Lord.—Ships in commission; distribution of the fleet; marines and marine artillery; appointments of commanders, undercaptains, lieutenants (exclusive of those in command), staff commanders, navigating lieutenants, &c., sub-lieutenants, midshipmen and cadets; discipline; courts-martial, and courts of inquiry; punishments and returns; protection to trade and fisheries; hydrographical department; pilotage; signals; Humane Society's medals; convict service. Second Naval Lord.—Manning of the fleet; Coast-guard, except buildings; Royal Naval Coast Volunteers, Royal Naval Reserve, pensioners, when called out; gunners and boat-

swains; Royal Naval College, Greenwich Hospital, removals of Reserve, good-conduct medals, pensions; transport department. Third Naval Lord.—Appointments of medical officers, paymasters, assistant paymasters, clerks, assistant clerks, engineers, and carpenters, medical department, hospitals and hospital ships, victualling, full pay, half-pay, table money, passages, store allowances, compensations and allowances as regards the fleet, and debts.

The Fifth Lord (a civilian and M.P.) regulates, with the Fourth Lord, the civil branch—victualling, medical, &c.

There are eleven administrative departments of the Admiralty:—The Navy department. The Constructive and Engineering staff, with a director. The Victualling branch, and the Contract and Purchase department, with superintendents in each. The Accountant-General's department. The Medical department, with a director-general. The Transport department, and the department of Works, with directors at the head of each. The Hydrographic department, presided over by the Hydrographer to the Navy; and the Superintendent of the Naval Reserve.

As a rule, the whole Board is affected by any change of Administration, but the Sea Lords not members of Parliament are occasionally reappointed.

The Navy of the United Kingdom is a *permanent* establishment, the statutes and orders by which it is governed having been permanently settled and defined with precision by the Legislature. The amount of military force has to be regulated every year (as we have said) by Parliament, as the maintenance of a standing army in time of peace without the consent of Parliament is prohibited by the Bill of Rights. Not so with the Navy. While for the Army a vote to sanction the *number of men* is required, for the Navy Parliament has simply to vote the sum required for the seamen's wages.

The classification of ships of war is called "rating," and the vessels registered in the list of the Royal Navy are called "rated" ships. There are six standards of rate—the *first-rates* are ships carrying 110 guns and *upwards*, and complements which consist of 1000 men or more. The second-rates carry from 80 guns to 110, and not less than 800 men; the third-rates carry from 60 to 80 guns, and a complement of under 800 men and more than 600; the fourth carry less than 60 guns, and comprise all frigate-built ships, of which

the complements are 600 and not less than 410 men; the fifth and sixth, all smaller vessels, comprising sloops, gun-vessels and others.

This classification is still nominally in force, though become almost obsolete practically, by the existence of the new ironclad fleet, which consists of six classes. Of these the first class are all iron-built and of great speed; in it also are included the Minotaurs, a new class of vessel. These are built on the ram system, having what is termed the swan-breasted beak protruding under water. The stem of this portion, which would have to resist a shock, is a gigantic forging, as is also the stern frame; and every part of the vessel is of iron, even to the spar deck, though the plating is there covered with wood. The second class are line of-battle ships converted by iron plating, or new ships built on wooden frames. Amongst the ironclad fleet are fifteen turret ships; four others, of immense power, are already launched, and are now being fitted and completed. The most powerful of these ironclads are the *Inflexible*, *Dreadnought*, *Thunderer*, *Devastation*, *Neptune*, *Superb*, *Ajax*, *Agamemnon*, *Monarch*, and *Glatton*.

Five are now building, two of which are of the same size as the *Agamemnon*. Of the remaining three the *Polyphemus*, an iron-plated torpedo ram, is the most remarkable. This vessel is designed upon novel principles, and is supposed to be the most formidable vessel, for the species of warfare for which she is designed, of any yet known. The plan upon which she is constructed has not yet been divulged by the Admiralty.

The *Inflexible* is an armour-plated turret ship. In the centre of the ship is a "rectangular citadel" (75 ft. broad by 110 ft. long), enclosing the base of the turrets, the engines and boilers, the magazines, and other important parts of the ship. The walls of this citadel are 41 in. in thickness, and are built of strong teak, covered with armour plating varying from 16 in. to 24 in. in thickness. The turrets are 12 ft. high, and 28 ft. diameter internally. Each turret is armed with two guns of 81 tons each, capable of firing a shot of 1650 lbs., with a battering charge of 300 lbs. of powder. The turrets are not in line, but are placed to the right and left, fore and aft of the citadel. The *Inflexible* is a two-masted vessel.

The *Thunderer* and *Dreadnought* are vessels of the same

type. The *Thunderer* has two turrets, "fore" and "aft," 31 ft. 3 in. in diameter, and weighing about 406 tons each. They are made to revolve by means of special steam-engines. The fore-turret contains two guns of 38 tons, the after-turret two guns of 35 tons. The armour plating varies from 12 in. to 14 in. in thickness. From these guns are fired both Palliser chilled shells and common shells, the former weighing 700 lbs., and fired with a battering charge of 110 lbs.; both these vessels are unmasted, and depend entirely upon steam. The *Devastation* is a vessel of the same type, but less powerful.

The *Neptune*, built for the Emperor of Brazil, and originally named the *Independencia*, was purchased by the British Government. She is a turret ship and also a powerful ram. She is protected by armour plating varying from 10 in. to 12 in. in thickness, and carries an armament of four guns of 35 tons. This vessel is now being refitted.

The *Ajax* and *Agamemnon* (not yet completed) are vessels of the same type as the *Inflexible*, though considerably smaller.

The *Monarch* has two turrets fixed on pivots between the foremast and the mainmast, both of the same size, with an outer diameter of 26 ft. 6 in., and an inner of 22 ft. The turrets are plated with 10-inch armour, in rolled plates, round the ports, and with 8-inch on other parts. In each turret are mounted two 25-ton muzzle-loading rifle guns of 12-inch bore, and 15 ft. in length. They throw a 600-pound shot, with a battering charge of 70lbs. of powder.

The *Glatton* has only one turret, with two 25-inch guns cased in armour, with a breastwork all round. Designed to lie low, she has a flying deck high out of the water for stowing boats, and for shelter in rough weather. The *Devastation* and *Thunderer*, twin ships, have two turrets like the *Monarch*, an armoured breastwork, and high-flying deck like the *Glatton*, with a ram bow. The rams in the *Glatton*, as well as in the *Rupert* and the *Hotspur*, where ramming has been made the principal object, are sharp points of hardened metal, about 8 ft. below water line, and 12 ft. in advance of the bow. The *Devastation* and *Thunderer* are without mast or sail, and depend solely on steam.

Then there are four turret ships considerably less than half this size—the *Cyclops*, *Gorgon*, *Hecate*, and *Hydra*—these have two turrets, a breastwork, and a pilot tower.

There is another class of vessels in the British Navy which deserve special notice: these are the fast cruisers, of which the *Shah* and the *Inconstant*, vessels of 4000 tons, are able to steam 16 knots, and are the swiftest vessels of their class in the world. Very little inferior in speed are the *Active*, *Rover*, and *Volage*, with a speed of 15 knots, and 2,400 tons displacement.

The chief stations of the British Navy are—the Mediterranean, East Indies, Cape, West Indies, and Channel.

The efficient strength of the Navy on the 1st of Dec, 1878, will be seen by the following table:—

NUMBER OF SHIPS IN COMMISSION, DEC. 1, 1878.

Sea-Going.	Description.	Sailing	Steam.	Total.
Line of battle ships	Armour-plated	—	5	120
	Others	—	—	
Frigates and corvettes	Armour-plated	—	13	
	Others	1	28	
Sloops and small vessels	Armour-plated	—	—	
	Others	6	67	
Total effective for general service		7	113	
First reserve ships	Armour-plated	—	8	9
	Others	—	1	
Gunnery and training ships		9	—	51
Steam reserve (including repairing ships (including royal yachts))		13	6	
Surveying vessels		—	4	
Troop ships		—	7	
Store ships		—	3	
Drill ships (Royal Naval Reserve)		9	—	
Tenders		11	38	75
Ditto (late Coast Guard cruisers)		22	4	
Total fleet, including tenders		71	184	255

The above is exclusive of Indian troop ships.

It will be interesting to study the following statement of the comparative strength of the ironclad vessels of the first class in the British Navy, and those of other European nations in the year 1876. If the total strength of the *Inflexible* should be taken to be 100, the *Duilio* (Italian) is estimated at 92; the *Ajax* at 75: *Foudroyant* (2) (French), 92; *Dreadnought*, 72; *Peter the Great*, 71; *Redoubtable* (French), 65; *Thunderer*, 63; *Tegethoff* (Austrian), 61; *Alexandra*, 56; *Kaiser* (German), 48; *Colbert* (French), 46; *Sultan* (English), 43; *Nelson*, 42; *Océan* (French), 40; *Monarch*, 38; *Shannon*, 35; *Iron Duke* (English), 29; *Tonnerre* (French), 45; *Rupert*

(English), 33; *Hotspur*, 29; *Glatton*, 28; *Bélier* (French), 24; *Popoffs* (Russian), 25; *Cyclops* (English), 17.*

The result of the estimate, which is founded upon a careful analysis of the various elements which make up the sum of the actual value and power of the vessels, is as follows:—

England .	1,112	Turkey .	215
France .	852	Russia .	153
Germany .	372	Austria .	134
Italy .	284		

This proportion has been considerably augmented by the recent large additions to the strength of the Navy. It will thus be seen that we still retain a vast naval superiority over other nations of the world, a supremacy which our fortified strategic and naval stations in all parts of the world would enable us to utilize most effectively in any contest in which the country may be engaged.

List of Ships Building and Completing for Sea, 1879—1880.

	Names.	No. of guns	Tonnage or Displacement	Indicated horse-power	
9	Majestic .	4	8,492	6,000	Armour-plated turret ship
	Colossus	4	8,492	6,000	Ditto
	Agamemnon	4	8,492	6,000	Ditto
	Ajax	4	8,492	6,000	Ditto
	Superb .	16	8,760	7,430	Broadside ship (purchased from the Sultan of Turkey)
	Conqueror	2	—	4,500	Armour-plated turret ship.
	Neptune	4	9,000	6,000	Ditto (purchased from the Brazilian Government)
	Orion .	4	4,720	3,900	Armour-plated corvette (purchased from the Sultan)
	Polyphemus	none	2,640	5,500	Iron-plated torpedo ram

In addition to the above there are now building in her Majesty's dockyards and in private yards—

8 corvettes	Constructed of iron or steel, or steel and iron wood-sheathed.
1 despatch vessel . .	Armoured.
6 composite sloops	
3 composite gun boats	For coast defence
2 steel gunboats . . .	
4 iron gunboats . .	
4 other vessels	

A grand total of 37 vessels, 12,151 tons, to be built in the year 1879—80.

* Les Navires de Guerre les plus Récents, par M. Marchal, Paris, 1876.

A considerable number of swift steam launches, capable of steaming from 16 to 20 knots, are also being constructed in private yards, with the object of largely increasing the strength of the Torpedo Flotilla, a precaution rendered necessary by the recent rapid development of this species of naval warfare.

NOMINAL LIST OF ALL IRONCLADS IN THE BRITISH NAVY.

Names	No of guns.	Tonnage or Displacement	Indicated horse-power	
BROADSIDE SHIPS				
Agincourt	17	10,627	6,867	
Minotaur	17	10,627	6,702	
Northumberland	28	10,584	6,558	
Achilles	16	9,694	5,722	
Alexandra	12	9,492	8,000	Twin screw
Sultan	12	9,286	8,629	
Warrior	32	9,137	5,469	
Black Prince	28	9,137	5,772	
Hercules	14	8,677	8,529	
Temeraire	8	8,412	7,000	Ditto
Lord Warden	18	7,842	6,706	
Bellerophon	15	7,551	6,521	
Nelson	12	7,323	6,000	
Northampton	12	7,323	6,000	
Hector	18	6,713	3,256	
Valiant	18	6,713	3,560	
Swiftsure	14	6,660	4,913	
Triumph	14	6,660	4,892	
Repulse	12	6,190	3,347	
Defence	16	6,070	2,537	
Resistance	16	6,070	2,428	
Audacious	14	6,034	4,832	Ditto.
Invincible	14	6,034	4,021	Ditto
Iron Duke	14	6,034	4,268	Ditto.
Shannon	9	5,103	3,500	
Penelope	11	4,394	4,703	Ditto
Pallas	8	3,787	3,581	
Research	4	1,741	1,042	Sloop.
Waterwitch	4	1,279	777	Hydraulic.
Vixen	4	1,228	740	Gunboat Twin screw
Viper	4	1,228	696	Ditto Ditto
RAM—				
Hotspur	3	4,010	3,497	Twin screw.
TURRET SHIPS—				
Inflexible	4	11,406	8,000	Twin screw (nearly complete).
Dreadnought	4	10,886	8,000	Twin screw.
Thunderer	4	9,387	6,270	Ditto.
Devastation	4	9,190	6,652	Ditto.
Monarch	7	8,322	7,842	
Rupert	4	5,444	4,005	Ditto and Ram
Belleisle	4	4,720	3,955	
Glatton	2	4,912	2,868	Twin screw
Prince Albert	4	3,905	2,128	
Cyclops	4	3,430	1,660	Ditto.
Hecate	4	3,430	1,755	Ditto.
Gorgon	4	3,430	1,670	Ditto.
Hydra	4	3,430	1,472	Ditto.
Wivern	4	2,751	1,446	
Scorpion	4	2,751	1,455	

The seamen of the fleet are recruited by voluntary enlistment. They are divided into two classes—those who enter for ten years, which is called "continuous service," and those who volunteer for shorter periods. The "continuous service" men receive a higher rate of pay. Any man may enter the navy as a seaman if he chooses to apply to the commander of a ship whose complement of crew is not made up and the examining surgeon approves of him; but he cannot re-enter if he has been "discharged from the service with disgrace" previously.

The following are the gradations of rank in the Royal Navy compared with the relative rank in the Army:—

Army.	Navy.	
1. Field-Marshals.	1 Admirals of the Fleet.	
2. Generals	2. Admirals	
3 Lieut.-Generals.	3. Vice-Admirals	
4. Major-Generals.	4. Rear-Admirals	4. Inspectors General of Hospitals and Fleets after three years' service on full pay as such.
5 Brigadier Generals	5. Captains of the Fleet. Commodores of the First and Second Class.	5. Inspectors-General of Hospitals and Fleets under three years' service.
6 Colonels.	6. Captains after three years' service.	6. Deputy Inspectors-General of Hospitals and Fleets after five years' service on full pay as such. Secretaries to Admirals of the Fleet. Paymasters-in-Chief.
7. Lieut.-Colonels.	7. Captains under three years' service Commanders (but junior of that rank)	7. Staff Captains Deputy Inspectors-General of Hospitals and Fleets under five years' service. Secretaries to Commanders-in-Chief of five years' service as such. Staff-Commanders, Staff-Surgeons, Secretaries to Commanders-in-Chief under five years' service, Paymasters, Chief Engineers, and Naval Instructors, of fifteen years' seniority — but junior of that rank.
8. Majors.	8. Lieutenants of eight years' standing.	8. Masters of eight years' standing. Surgeons. Secretaries to Junior Flag Officers. Paymasters, Chief Engineers, Naval Instructors — of eight years' seniority.
9. Captains.	9. Lieutenants under eight years' standing.	9. Masters under eight years' standing. Assistant-Surgeons after six years' service. Secretaries to Commodores, 2nd Class. Paymasters, Chief Engineers, Naval Instructors — under eight years' standing

Army.	Navy.	
10. Lieutenants	10. Sub-Lieutenants	10 Second Masters Assistant Surgeons under 6 years. Assistant-Paymasters. Engineers Chief Gunner } but junior ,, Boatswain } of that ,, Carpenter } rank.
11 Sub-Lieutenants Second - Lieutenants.	11. Midshipmen.	11. Master's Assistants above seventeen years of age and of two years' service at sea in Navy or Merchant service. Assistant-Engineers' Clerks.

There are also warrant and petty officers in the Navy.

The warrant officers are the gunner, boatswain, and carpenter.

The petty officers are the gunner's and boatswain's mates, &c., &c.

The seamen are able-bodied—A. B.'s—and ordinary seamen.

Last follow the boys.

Officers enter the naval service as lads of twelve or thirteen. They must first obtain nomination by a lord of the Admiralty. They then pass an examination before the head of the medical department, and next before the head of the educational department. When they have passed both examinations successfully they are sent on board the *Britannia* training-ship to be educated for their profession as cadets; from thence they pass into the Navy. Every step upwards in rank (as well as passing the threshold of the service) is preceded by an examination, up to the rank of captain. The lieutenants study gunnery—in order to be Gunnery Lieutenants—on board the *Excellent*. There are also Navigating Lieutenants and Commanders, but these are matters of detail.

Pensions are granted to all disabled seamen, and pensions are also given to seamen for good conduct, good service, or long service.

It is in the discretion of the Admiralty to award pensions under any circumstances.

Pensioners were formerly divided into two classes, *in* and *out* pensioners of Greenwich Hospital. This magnificent building, once a royal palace, was appropriated in the reign of William III. as an asylum for seamen, who by wounds, age, or accident, have become unfit for further active service.

When, after the famous battle of La Hague, crowds of maimed and suffering sailors were cast upon their country, Queen Mary, the good and gentle wife of that monarch, showed great solicitude for their welfare, and wished to found an institution to relieve and maintain them. Upon her death, which took place soon afterwards, her sorrowing husband set apart the palace of Greenwich for that purpose. It has been greatly improved and enlarged since then, and it stands a national memorial of one of our greatest naval victories, and a monument to the memory of her who, amidst the exultations that followed the triumph, did not forget those whose blood had been shed to gain it. It became felt, however, that our veterans might be happier in their own native places, amongst their families and friends, than in Greenwich Hospital, and consequently all are now made *out* pensioners, and the fine hospital has been converted into a Naval College.

The rules and provisions for the enforcement of discipline and good order in the Navy are embodied in an Act of Parliament passed in the 19th year of George III., and offenders against them are tried by courts-martial, nearly in the same way as in the Army, except that the court must be held in a ship *afloat*, and that its decision does not require confirmation, and is made public directly it is delivered.

The *Coast Guard* until lately was partly under the control of the Admiralty and partly under that of the Excise. It was manned in a great measure, and commanded, by men and officers from the Navy, but was a separate service. It is now incorporated with and forms part of the Naval Service. Its duties are to capture smugglers and to prevent the landing of contraband goods. To carry out these, small fast-sailing vessels, ranging from one hundred and fifty down to twenty-three tons, carrying from five to thirty-two men, and commanded by lieutenants in the Navy or by civilians in the merchant service, cruise about our coasts. Stations also are formed on shore from which patrols are sent out, and where watch is kept day and night. In order to keep up the efficiency and nautical training of the men serving ashore, they are drafted annually on board of the various guard-ships stationed round the coast, and taken for a month's or six weeks' cruise with the Channel Fleet. The total number of officers and men employed in the coast-guard service is 4,300.

A corps of *Naval Artillery Volunteers* has been formed within the last few years, and consists at present of three brigades—the headquarters being at London, Liverpool, and Bristol, respectively.

The *Royal Naval Reserve* consists of volunteers from the mercantile service, who undergo a certain amount of training annually in time of peace, and hold themselves at the disposal of the country in time of war. Merchant vessels, whose crews comprise a certain proportion of naval reserve men, have a right to carry the Blue ensign, ordinary merchantmen being restricted to the use of the Red ensign; while men-of-war bear the White ensign. The Royal Naval Reserve numbers 20,000.

The corps of *Royal Marines* is under the control of the Board of Admiralty, and forms part of the establishment of the Navy. It serves on board our ships and garrisons the royal dockyards. It numbers 14,000 officers, non-commissioned officers, and men, and of that number about one-half is generally serving afloat. The date of the formation of this force has not been exactly ascertained: we first hear of it in the year 1684. It is now separated into two sections—the Marine Light Infantry and the Royal Marine Artillery; the former consists of three divisions, which are stationed respectively at Chatham, Portsmouth, and Plymouth, and number more than one hundred companies. There are thirteen companies of Marine Artillery, the headquarters of which are at Portsmouth.

Gentlemen enter this service as cadets, and are instructed in their profession on board the *Excellent* gunnery ship, at Portsmouth. The most proficient are chosen for the Marine Artillery, the junior officers of which force are selected from the most capable of their rank in the general body of the Royal Marines. The system of purchase never existed in this corps, and promotion goes entirely by seniority.

All the rewards for long and distinguished services and bravery that I mentioned in my letter upon the Army are open to officers in the Navy and Marines.

LETTER XV.

THE CIVIL SERVICE.

Nature of the Civil Service—Treasury—Secretaries of State's Offices—Board of Admiralty—Board of Trade—Inland Revenue—Customs—Post Office—Poor Law Board—Audit Office—Public Record Office—Paymaster-General's Office—Military Offices—Parliamentary Offices—Board of Works, &c.

I NOW come to that branch of Her Majesty's services which is so intimately connected with "How we are Governed"—the Civil Service. The Civil Service is the name now used collectively for all the civil offices under the Crown. Every one holding a post under the Government that is not a legal, naval, or military post, is called a Civil Servant, from the Prime Minister down to a penny postman. The influence of the Civil Service is very great. It has the entire control over all the affairs of the country, including all civil matters connected with the Army and Navy. It superintends the customs and revenues and collects all taxes. It accounts for the national expenditure. It builds ships for the Navy, and regulates the clothing, ammunition, and transport of the Army. It controls the governments of our various colonies. In fact, the Civil Service is, in other words, the machinery which carries on the government of the country.

This machinery is divided into departments, and at the head of each department is a Minister of the Crown, or some great political or financial functionary, who is aided by a staff of clerks to assist him in the discharge of his duties. These clerkships have since 1855 been open to a species of limited competition, and are much coveted. They are, however, not open to the public, as every candidate, before competition, has to obtain a nomination from some member of the Government, allowing him to go up for his examination—a very difficult thing to get now-a-days.

The following list of the chief Government departments, together with a short account of their different duties, will

give you perhaps the best idea of what the Civil Service really is :—

First of all is the *Treasury.*—The office of Lord High Treasurer was first put into commission in 1612. The Lords of the Treasury are five in number, including the First Lord and the Chancellor of the Exchequer. All these, as well as the two Parliamentary Secretaryships, are political appointments, and are vacated on a change of Ministry. The First Lord of the Treasury has the power of controlling all the appointments made by other members of the Ministry ; he appoints archbishops and bishops, and such Crown livings as are not vested in the Lord Chancellor are at his disposal. He is generally, but not necessarily, the Prime Minister. The Chancellor of the Exchequer now performs many of the duties in connection with the Exchequer which in former times devolved upon the Lord High Treasurer. He has the entire control of the public moneys, and of all matters relating to its receipt or expenditure. The three Junior Lords of the Treasury are members of Parliament. They are expected to be in attendance on the various committees, and arrangements are made that some of them shall be in the House whenever it may sit. There are two Political Secretaries—one attending to financial, and the other to parliamentary business. The permanent Under-Secretary is the official head of the department. The Treasury is the highest branch of the Executive, and exercises its supervision over all the revenue offices, and, so far as receipt and expenditure are concerned, over every department of the Civil Service. The earliest mention of a secretary to the sovereign occurs in 1253, a second was added in 1539, and a third in 1708 for Scotch affairs.

The Home Office.—The present organization of the Home Office took place in 1801 ; before that year it had been united with the Foreign and Colonial Departments. The Secretary of State for the Home Department has direct control over all matters relating to the internal affairs of Great Britain. He controls the administration of criminal justice, the internal regulation of prisons and reformatories, and the whole police force as well as the county constabulary. Acting under his control are Inspectors of Factories, of explosives, of mines, and the Salmon Fisheries of England and Wales. All official communications from the Cabinet to the Viceregal Court of Ireland are made through this department,

and the Home Secretary is consulted by the Lord Lieutenant on all matters of moment. He is assisted in the discharge of his duties by two under-secretaries, an assistant under-secretary, and a staff of clerks.

The Foreign Office.—Previous to the year 1782 the two principal secretaries were known as Secretaries of State for the Northern and Southern Departments respectively. In this year, however, a re-division of the duties was made, under which arrangement the Northern became the Foreign, and the Southern the Home Department. The Secretary of State for Foreign Affairs is the official channel of communication between Great Britain and other countries; all treaties and alliances are made through him, and it is part of his duty to extend his protection to English subjects residing abroad. All ambassadors and consuls are under his control. The Foreign Secretary is assisted in the discharge of his duties by two under-secretaries, two assistant under-secretaries, and a staff of clerks.

The Colonial Office.—The first Secretary of State for the Colonies was appointed in 1768. The duties of this office are entirely confined to colonial matters, and consist in exercising a watchful supervision of the interests of our colonies, in administering their laws and customs, in appointing their governors, and in directing their government. The Secretary of State for the Colonies is assisted in the discharge of his duties by an under-secretary, three assistant under-secretaries, and a staff of clerks.

The War Office.—The present organization of the War Office dates only from 1854–5, when the extensive Ordnance departments, the Commissariat, and the Secretary at War were abolished, and the duties transferred to the Secretary of State for War. By this consolidation of offices an establishment was formed, having the administration of all war matters and the entire supervision of the Army at home and abroad. The Secretary of State for War is assisted in the discharge of his duties by a parliamentary under-secretary, a financial secretary, a permanent under-secretary, an assistant under-secretary, a legal secretary, and a large staff of military and civil officials.

The India Office.—In 1858, by 21 & 22 Vict. c. 106, the Government, in the place of the East India Company, assumed the entire administration of the British Empire in India. By this Act the Secretary of State for India has all

the powers hitherto exercised by the Company and the Board of Control. He is assisted in the discharge of his duties by two under-secretaries, an assistant under-secretary, and the Council of India, together with a large staff of clerks. The Council of India consists of fifteen members, eight of whom were formerly appointed by the Queen and seven by the Directors of the East India Company, but in 1869 an Act was passed providing that for the future vacancies in the Council should be filled up by the Secretary of State. Each member is now appointed for a term of ten years only, but may be re-appointed for a further period of five years for special reasons, to be approved of by both Houses of Parliament. The major part of the Council must be persons who have served or resided in India for ten years, or who have not left India more than ten years next preceding the date of their appointment, and no person not so qualified shall be appointed, unless at least nine of the nominating members of the Council be persons so qualified. Members receive an annual salary of 1000*l.*, retain their office during good behaviour, and are not permitted to sit in Parliament.

Board of Admiralty.—This office is the representative of the Lord High Admiral of Great Britain and Ireland, and is now put into commission. The Commissioners are generally members of the House of Commons, and are composed of naval officers and civilians, all of whom are styled Lords of the Admiralty, and who, together with the First Secretary, quit office on a change of Government. The other officers have permanent appointments. These Lords Commissioners exercise their supervision over all naval matters, and exclusively control the expenditure of [the sums annually voted by Parliament for the naval service. They are assisted in the discharge of their duties by a large staff of officials.

Board of Trade.—The Board, as it now stands, was appointed in 1786. Properly speaking, the Board of Trade is a committee of the Privy Council. At its head is a President (who changes with the Government), a Parliamentary secretary, and an under-secretary. This office is divided into the Harbour, the Railway, the Marine, and the Statistical Departments. It exercises its supervision over such as the negociation of commercial treaties, the working of railways, and all matters of public interest connected with the commercial enterprise of the United Kingdom.

The Local Government Board.—In 1871 the supervision of the laws relating to the Public Health, the Relief of the Poor, and Local Government, was concentrated in one department of the Government, called the Local Government Board. This department consists, in addition to the Lord Privy Seal, the Chancellor of the Exchequer, and the five principal Secretaries of State, who are *ex officio* members, of a President, a Permanent Secretary, and a Parliamentary Secretary, with a large staff of clerks, officers, and inspectors. The Board is now charged with the supervision of the local agencies for the relief of the poor, the making and repairing of highways and bridges, and the prevention of nuisances, and the general administration of the laws relating to the public health.

Board of Inland Revenue.—The Inland Revenue Department comprises Excise, Stamps, and Taxes. Excise applies chiefly to duties levied upon articles of consumption of home production. The duties on certain foreign articles formerly part of the Excise duties, are now transferred to the Customs. Excise duties were first levied in 1626. The Stamp duty was imposed in the reign of William and Mary, in 1694. The Income-tax was introduced in 1799 by Pitt. Formerly each of the departments was under a separate Board of Commissioners; in 1834 the Board of Stamps was united with the Board of Taxes; and in 1848 the Board of Stamps and Taxes was consolidated with that of the Excise. The Board of Inland Revenue, under a chairman, deputy-chairman, and three commissioners, with their staff of officials, now controls the whole duties of Stamps, Taxes, and Excise.

Board of Customs.—Customs are duties charged on commodities, export or import. The Customs are regulated by various Acts, in which specific directions are given for the entry, discharging, and shipping of all goods, inwards and outwards, with certain prohibitions and restrictions as to the import and export of certain goods; also for regulating the coasting trade, which term designates all trade by sea from any one part of the United Kingdom to any other part thereof. In 1853 the several Acts then in force for the management of the Customs were consolidated. For the collection of their duties custom-houses are appointed. In these houses exports and imports are entered; the duties, drawbacks, and bounties payable or receivable, are settled;

and ships are, as it is termed, *cleared out*. The principal office is in Thames Street, near the Tower, London. The Board of Customs consists of a chairman, a deputy-chairman, and two commissioners, and a large working staff of clerks.

Post Office and Telegraphy Department.—The Post Office is now charged with the administration of the Inland Telegraph system, and all contracts for the conveyance of letters are made in the name of the Postmaster-General, who is the head of this department of the Government. An important part of the duties of this department relates to the *money order* system. Savings Banks and Government Annuity systems are also connected with the Post Office. The Postmaster-General is a member of the Government. He is assisted by two secretaries, two assistant secretaries, and a large staff of subordinates.

In addition to the above-named offices there are an *Office of the Registrar of Friendly Societies;* the *Audit and Exchequer Office*, which inspects the whole of the public accounts and investigates all advances of money on behalf of the public service; the *Public Record Office*, which contains all our valuable national archives; the *Paymaster-General's Office*, which superintends the payment of the Naval, Military, and Civil Services; the *Military Offices*, which are those of the Commander-in-Chief, Adjutant-General, Quartermaster-General, and Judge Advocate-General, are all under the immediate control of the Commander-in-Chief, and under his direction govern all movements of troops, grant commissions, and make the necessary staff and other appointments—in all matters relating to pay and allowances these departments are controlled by the Secretary of State for War; the *Parliament Offices*, which have special duties in connection with the House of Lords and the House of Commons; the *Copyhold, Inclosure, and Tithe Commission Office*, which facilitates the enclosure of all waste lands not within a prescribed distance of any city or town; the *Ecclesiastical Commission Office*, which was established in 1834 for the purpose of equalizing the incomes derived from bishoprics, Church livings, and clerical offices, for the general management of Church property, and to organize a proper distribution of the Church funds; the *National Debt Office*, the *Woods, Forests, and Land Revenues Office*, which has the entire management of the royal forests and woodlands, and the manors and

lands of the Crown in Great Britain and Ireland—all sales, purchases, and exchanges of Crown or public property, are made through this department, subject to the sanction of the Treasury; the *Board of Works*, which controls all expenditure connected with the maintenance or repair of the Royal Palaces and the erection and furnishing of the chief public buildings and offices: it regulates all the great metropolitan improvements and submits to the Treasury all estimates of the cost of public works.

There are various other offices connected with the Civil Service which would take up too much space to enumerate, such as the offices in Scotland and Ireland, special offices at home with technical duties, &c., &c.

I have, however, given you an account in this chapter of the influential offices in the Civil Service—those offices that bear directly on our system of government and show how we are governed.

LETTER XVI.

THE LAW.

The Common Law—Statute Law—Civil Law—Roman Civil Law—Equity—Conflicts of Law and Equity—New Procedure—Interpretation of the Law—The Sheriff, his Office and Responsibility in Executing and Enforcing the Law.

I SHALL now proceed to the second division of my subject, the

"PRACTICE OF THE LAW OF ENGLAND."

Our law is of two kinds, the *unwritten*, or Common Law, made up of ancient customs,* either *general*, affecting the whole kingdom, or *special*, having force only in particular places; and the *written*, or Statute Law, made and altered from time to time in Parliament, as I have described in a former Letter. The Common and the Statute Law are declared and interpreted by the decisions of the judges contained in the law reports.

The law thus composed may again be divided under two heads: the *Civil Law*, which relates to the rights of the people amongst themselves, giving remedies by *action*, in which the person aggrieved is called the *plaintiff*, and he against whom the proceedings are taken the *defendant*; and the *Criminal Law*, which is put in operation by *prosecution*, in the name of the Sovereign, against evil-doers.

A particular code of Civil Law derived from the Roman Civil Law, and some portions of the Roman Canon Law, is adopted in the Ecclesiastical and Admiralty Courts, and the Courts of Probate and Matrimonial Causes, which severally decide cases relating to the discipline of the clergy, and the regulation of divine service in churches; questions of prizes during war, and claims that arise out of accidents and ship-

* A "custom," to be good in point of law, must have existed from time immemorial.

wrecks at sea; adjudicate upon disputes relating to the form and validity of wills; and grant separations and divorces to married people.

Equity is a principle acting in conjunction with the law to soften and correct its operation in certain cases, by taking cognizance of those trusts and confidences which, although binding upon the conscience, a Court of Common Law is unable to enforce. For a long time after its introduction, Equity was a principle separate, and sometimes antagonistic, to the law, and was administered in courts of its own, presided over by judges trained to its practice, assisted by advocates who made it a distinct profession. You can imagine, I dare say, without much difficulty, how questions both of Law and Equity might be mixed up in one dispute, but it could not be decided by the tribunals of either acting separately. Thus, under the old system, if an estate were given to me *on trust*, to pay the rent and profits of it to your uncle, and to allow him quiet enjoyment of it, I should be considered, in the Common Law Courts on one side of Westminster Hall, the sole owner of the land, and might bring an action against him if he trespassed upon it; but in the Courts of Chancery, on the other side, he would be the real beneficiary owner, and I should be treated merely as the channel through which his property came. Again, if I had a patent invention which you unlawfully used, I could have obtained from an Equity judge an injunction commanding you to cease from using it without my permission; but I should have had to bring an action at Common Law before I could recover damages against you for infringing my rights. So in the case which I first put, your uncle could not have pleaded in a Court of Law that I was merely a trustee for him, but as such, Equity would have restrained me from proceeding further in my action. Thus an appeal to two tribunals was frequently requisite to obtain redress for a single wrong, or to settle one and the same dispute.

Proceedings in Chancery were protracted and expensive in the extreme. A suit sometimes lasted for twenty years, or longer still, and costs more than the value of the subject-matter of dispute were frequently incurred. Every person interested to the most remote degree, whether in Law or Equity, was made a plaintiff or defendant as the case might be, and if any of them died, or, being a female, married, the

suit *abated*, or ceased, and the proceedings had to be begun all over again.

These anomalies and stumbling-blocks in the path of justice no longer exist to the same extent as formerly. The principles of Equity are now generally acknowledged, and acted upon in Courts of Common Law, and Common Law relief and compensation is in like manner granted by Courts of Chancery. The practice of Equity has been rendered much more rapid and inexpensive, and suits do not abate as long as the parties or their representatives are qualified and willing to carry them on. The important changes that have been recently effected by the Judicature Acts will contribute largely to produce a complete fusion of the formerly conflicting systems of Law and Equity. The Courts of Common Law and the Courts of Chancery, with their distinct jurisdictions, are now consolidated into one Supreme Court of Judicature; the systems of Law and Equity as administered respectively in each have been harmonised and the procedure simplified, so as to render it cheap, speedy, and convenient in its action.

The laws are interpreted and administered by the Judges in the courts I shall mention by-and-by, and their decisions are *executed* or enforced, in the name of the Sovereign, by the sheriffs of the various counties into which the kingdom is divided. The office of the sheriff—*shire reeve*, or *shire gereffa*—is of great antiquity; it is held for one year only, at the nomination of the Crown. All arrests for debt are made by the officers of the sheriff, who is responsible for the safe custody of the debtor. He has also to summon juries to serve upon trials, and to carry out the extreme sentence of the criminal law. The powers which he exercises in the election of members of Parliament I have already sketched, and I will briefly notice those judicial functions which he has to perform, when I write to you about the proceedings in an action at law. As keeper of the Queen's peace in his county, the sheriff is the first man in it, not excepting the lord-lieutenant, who, as the successor of the *earl*, as I have told you already, was once its chief military governor. By virtue of his office the sheriff possesses the powers of a justice; but being the executor of the law, he may not act as an ordinary magistrate in administering it. He is bound to defend his county against all the Queen's enemies, and must take into custody all traitors and felons; and to enable

him to do so, may summon to his assistance all the people in the county under the rank of a peer. This is called the *posse comitatus*, or power of the county.

Such are the duties and powers of the sheriff as defined by laws now in full force, but in *practice* he is hardly ever called upon to perform them. His deputy, the under-sheriff, transacts all the legal, judicial, and formal duties of the office; the police relieve him from the trouble of looking after criminals; and the time has passed in which our national defences could safely be trusted in his hands, however brave or loyal he may be. It is still a distinction to hold this post of high sheriff, as none but gentlemen of character and sufficient property are usually nominated to fill it. They have to accompany, and entertain the judges of assize through their county, and to provide a sufficient escort of javelin men for their protection. They sit on the right hand of the presiding judge at criminal trials, girt with a sword; and when there is a "maiden assize," that is, one at which there are no prisoners to be tried, they present him with a pair of white gloves. When they have done this, and presided at any election that may take place during their year of office, they have done all that is required of them. So that when in future Letters I tell you that the sheriff has to do this or that, you will understand that his deputy, the under-sheriff, has to do it for him.

LETTER XVII.

THE COURTS OF LAW AND EQUITY, AND THEIR PROCEDURE.

The Superior Courts—Circuits of the Judges—Their several Commissions—District Courts of Record—Counsel and Attorney—The Inns of Court—An Action at Law—The Pleadings—The Jury—The Trial—The Verdict—Judgment by Default—The Costs—Execution—Judges in Equity.

A "COURT" is defined to be a place wherein justice is judicially administered. As the power of executing the laws is vested by our constitution in the Sovereign, it follows that all courts of justice derive their power from the Crown.

The whole of the courts were reconstituted in 1873 by the Judicature Act, and in order that I may clearly point out the nature and extent of the changes effected by that Act and by others that have been passed since 1873, and explain our present judicial organisation, it will be necessary for me to describe shortly the constitution of the courts previously to the year 1875, which was as follows. The Court of Chancery was presided over by the Lord Chancellor, two Lords Justices of Appeal, the Master of the Rolls, and three Vice-Chancellors. The principal courts of Common Law, holding their sittings in Westminster Hall, were three in number—the Court of Queen's Bench, the Court of Common Pleas, and the Court of Exchequer. The judges of the two former were called *Justices* of their respective courts, those of the latter *Barons*. The Lord Chief Justice of England and five justices presided in the Court of Queen's Bench; the Chief Justice of the Common Pleas and the same number of justices sitting in that court; and the Lord Chief Baron and five barons in the Court of Exchequer. The whole of these courts, together with the High Court of Admiralty and the Court of Probate and Divorce, are now consolidated into one *Supreme Court of Judicature*, which consists of two divisions;

one of which is termed "Her Majesty's High Court of Justice," and the other "Her Majesty's High Court of Appeal." "The High Court of Justice" consists of five divisions, which are called respectively, the Chancery Division, the Queen's Bench Division, the Common Pleas Division, the Exchequer Division, and the Probate, Divorce, and Admiralty Division. "The High Court of Appeal" consists of the following *ex officio* judges—the Lord Chancellor, the Lord Chief Justice of England, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron of the Exchequer; and as many ordinary judges as the Queen shall from time to time appoint, of whom the first are to be the existing Lord Justices of Appeal in Chancery and the salaried judges of the Privy Council, and three others appointed by the Queen. An appeal lies to the House of Lords from the orders or judgments of this court. The names of the old courts and their general character have been as far as possible retained, and many of the outward changes in the style and constitution of the courts have been merely formal. It is in the procedure and in the rules of court framed by the judges under the authority of the Judicature Acts, that the vast improvement effected by the recent legislation will become apparent, and to this improved procedure I shall shortly direct your attention. Formerly each of these courts, which are now constituted divisions of the High Court of Justice, had a separate jurisdiction: the King's Bench only heard criminal causes, and such as related to the controlling of inferior tribunals; the Common Pleas was for trials between subject and subject; and the Exchequer decided only such causes as related to the collection of the revenue. These distinctions, however, long since evaded by legal fictions, are done away with by statute, and a private person may bring his action in any one of these courts. But the Queen's Bench even now retains special jurisdiction in certain particulars. It is the highest criminal court in the kingdom; it keeps all inferior courts within the bounds of their authority, and may either order their proceedings to be removed for its own consideration by what is termed a writ of *certiorari*, or may prohibit their progress altogether by a writ of *prohibition*. It controls all civil corporations, and it commands magistrates by *mandamus* and others to do what the law requires in every case where there is no other course prescribed.

England and Wales are divided into eight circuits, as follows :—

SOUTH EASTERN CIRCUIT :—

County.	*Assize Town.*
Herts	Hertford.
Essex	Chelmsford.
Sussex	Lewes.
Kent	Maidstone.

The Winter Assize of the above five counties and of Berks is held in London.

Huntingdonshire	Huntingdon.
Cambridgeshire	Cambridge.
Suffolk	Ipswich.
	Bury St. Edmunds.
Norfolk	Norwich.

MIDLAND CIRCUIT :—

Beds	Bedford.
Bucks	Aylesbury.
Derbyshire	Derby.
Leicestershire	Leicester.
Lincolnshire	Lincoln.
Northants	Northampton.
Notts	Nottingham.
Rutlandshire	Oakham.
Warwickshire	Warwick.

NORTHERN CIRCUIT :—

Cumberland	Carlisle.
Westmoreland	Appleby.
Lancashire—	
Northern Division	Lancaster.
Salford Division	Manchester.
West Derby Division	Liverpool.

NORTH EASTERN CIRCUIT :—

Northumberland	Newcastle.
Durham	Durham.
Yorkshire—	
N. E Riding and city of York	York.
W. Riding	Leeds.

OXFORD CIRCUIT :—

Berks	Reading.
Oxfordshire	Oxford.
Worcestershire	Worcester.
Staffordshire	Stafford.
Salop	Shrewsbury.
Herefordshire	Hereford.
Monmouthshire	Monmouth.
Gloucestershire	Gloucester.

WESTERN CIRCUIT :—

County.	*Assize Town.*
Hants	Winchester.
Wilts	Devizes.
Dorsetshire	Dorchester.
Devonshire	Exeter.
	City of Exeter.
Cornwall	Bodmin.
Somerset	Taunton.
	Bristol.

NORTH WALES CIRCUIT :—

Montgomeryshire	Welshpool.
Merionethshire	Dolgelly.
Carnarvonshire	Carnarvon.
Anglesey	Beaumaris.
Denbighshire	Ruthin.
Flintshire	Mold.
Cheshire	Chester.

SOUTH WALES CIRCUIT :—

Pembrokeshire	Haverfordwest.
Cardiganshire	Cardigan.
Carmarthenshire	Carmarthen.
Glamorganshire	Swansea.
	Cardiff.
Brecon	Brecon.
Radnorshire	Presteign.

All judges of the High Court of Justice appointed since the Act of 1873 are now under the obligation to go *circuit*, and every additional ordinary judge of the High Court of Appeal appointed since 1876.

The regulation of circuits is governed by orders in Council issued from time to time.

Two judges generally go on each of these circuits, except the last two, who in turn transact the civil and criminal business in its towns, except in the county palatine of Lancaster, in which the senior judge always presides in the criminal or Crown court.

The county of Surrey is not included in any circuit, but commissions are issued not less often than twice a year for the discharge of the civil and criminal business.

Assizes are held in spring, summer, autumn, and winter for the transaction of civil and criminal business, but the ordinary circuits take place twice a year, in Spring and Summer.

In the more populous counties *Winter and Autumn Assizes* are held, for the trial of prisoners, and in a few instances the judges also take civil business at the same time; but for the purpose of the more speedy transaction

of business, both civil and criminal, several counties may be united, and a convenient town fixed for holding the Assizes. This is done by orders in Council published in the *London Gazette* from time to time.

The judges transact the business upon circuit by virtue of five separate authorities, only two of which I need mention here, in treating of civil procedure, namely, the commission of *assize*, authorising them to hear and determine disputes relating to land, and the commission of *nisi prius*, which empowers them to try all actions pending in the superior courts that are ripe to be heard. These causes are appointed to be tried at Westminster, before a jury of the county out of which the dispute arose, *nisi prius* (*unless before*) the day fixed the judges come into that county to hear and decide it.

There are also distinct Courts of Record, such as the Courts of Common Pleas of the counties of Durham and Lancaster, the Passage Court of Liverpool, and the Court of Record of Manchester, having almost the same procedure as the superior courts, and an unlimited, or limited jurisdiction, as to the amount they can award, according to their constitution.

Any person may bring, and defend, his own action in person, but almost all the business of our courts of law is carried on by counsel and solicitors, selected by the parties to act for them. The former were originally of two classes, *serjeants at-law*, a degree which will not be conferred for the future, for the reason stated below, and *barristers*. Some of the latter are appointed Queen's counsel by patent from the Crown—all these fall under the general name of *Counsel*. From the most eminent of these the judges are selected. The Chief Justices and Chief Baron are appointed by the Prime Minister; the lesser, or *puisne* judges, by the Lord Chancellor. It was formerly necessary, in order to be qualified for the position of a Common Law judge, that a man should take the legal degree of *serjeant-at-law*, but it was provided by the Act of 1873 that no person appointed a judge of the High Court should for the future be required to take the degree of serjeant-at-law. The degree has now therefore ceased to have any meaning. The corporation of Serjeants' Inn has been dissolved, and its surviving members are the last representatives of this ancient order. The privilege of calling persons to the bar in England is exclusively held by four ancient societies—viz., that of the Inner Temple, the Middle Temple, Lincoln's Inn, and Gray's

Inn, which now act as a corporation. Until recently students had only to pay some fees and to eat a certain number of dinners in the halls of these societies to entitle them to be *called to the bar;* but, with the exception of members of the Universities, they have now to undergo a preliminary examination in general knowledge before they are admitted as students, and all must also pass examinations in law before they are granted the degree of barrister-at-law, which confers the liberty of practising in all English courts, and gives a legal right to the title of *esquire.*

An attorney is one who is put in the place or *turn* of another to manage his affairs. Attorneys were formerly distinguished from solicitors who were attached to the Court of Chancery and from proctors who practised in the ecclesiastical courts, but now this distinction has been abolished, and all attorneys, proctors, or solicitors are termed solicitors of the Supreme Court, and may practise in any branch of the Supreme Court, after being admitted. Solicitors are now formed into a regular society called the Incorporated Law Society, to which, in conjunction with some officials named by Act of Parliament, the examination of persons desiring to become members of this profession, and the charge of the *rolls* or lists of persons duly entitled to practise in it, is confided. Persons are *admitted* by the superior courts after they have served for a certain time as clerks in the office of a solicitor, under a legal instrument called *articles of clerkship,* and have passed examinations in law. They are then considered to be officers of the Supreme Court. The judges exercise strict supervision over their conduct, and may strike their names off the rolls, should it be proved to their satisfaction that they have been guilty of conduct deserving such a punishment. Solicitors have to take out a *certificate* every year, upon which they have to pay a fee for leave to pursue their vocation.

The actions most commonly brought in the Common Law Divisions of the High Court of Justice are to recover disputed debts or demands, the possession of land, or a compensation in money called *damages,* for acts committed or neglected to be done, whereby the plaintiff suffers an injury to his person, property, or reputation.

When an action is to be brought, the plaintiff lays his case before a solicitor, who issues a writ summoning the defendant to *appear* to answer the complaint of the plaintiff. This

"appearance" is made by his lodging with the proper officer of the court a writing stating his place of business and his *address for service*, which must be within three miles of Temple Bar if the appearance is entered in London, or within the district if appearance is entered in the country or *district registry* as it is termed, where notices and further proceedings may be served upon him. Where the plaintiff seeks merely to recover an ordinary debt or an ascertained sum of money, as for instance on a check or a promissory note, he may state on the back of his writ the particulars of the amount he seeks to recover. The writ is then *specially indorsed*, and after the defendant has *appeared* the plaintiff or any other person who can swear positively to the debt or cause of action may make an affidavit verifying the cause of action and stating that in his belief there is no defence to the action. On which affidavit the plaintiff may at once call upon the defendant to show cause why judgment should not be signed unless he shall disclose a good defence on the merits. The defendant is thus prevented from setting up a frivolous defence for the purpose of delay. The judge may then order judgment to be signed, or if he see fit give the defendant leave to defend. If the defendant obtains leave to defend, the action proceeds. The next step is the delivery by the plaintiff of a *statement of claim*, which is either written or printed, and must be delivered within six weeks after *appearance* has been entered. The defendant may, however, if he wish to save costs and shorten proceedings, dispense with a *statement of claim*, and he must then deliver his *defence* (formerly his *plea*) within eight days from *appearance*. The plaintiff may also, where the writ is *specially indorsed*, give notice to the plaintiff that the particulars of his claim appear by the *indorsement* on the writ of summons, and thus save himself the additional expense of a more formal and lengthy statement of the facts of his case. When a *statement of claim* is delivered the defendant must deliver his *defence* within eight days from the delivery of the *statement of claim*. The *defence* contains a short statement of the facts upon which the defendant relies to rebut the plaintiff's claim, or he may set up facts by way of set-off or *counter-claim*, in which latter case the defendant becomes the real plaintiff with regard to the counter-claim, as I shall proceed to show. Formerly the defendant in such a case, if he had a claim against a plaintiff who had sued him, must have brought a

separate action called a *cross action*. But the modern procedure is framed with the object of enabling litigants to settle all questions in dispute between themselves in the same action, and for this purpose to join third parties who may be partly interested on one side or the other, for the purpose of adjusting mutual differences. If however the subject-matter of the *counter-claim* cannot be conveniently disposed of at the same time as the original claim in the plaintiff's action, the judge will order the actions to be tried separately. A defendant may also *demur*, that is, he may deny that certain facts alleged by the plaintiff are sufficient in *law* to entitle him to recover even if they should be true, which he may deny under certain circumstances. The defendant is then said to *plead* and *demur*. The *demurrer* or question of *law* is then argued before the judges sitting *in Banco* as it is termed, or *on the Bench* of their respective courts. If the court should decide that the facts alleged by the plaintiff would be sufficient in law if proved to entitle him to recover, the *demurrer* is dismissed, and the action is then decided upon the *facts* at the *trial*, which generally takes place before a *jury;* but the *pleadings* must first be closed and *issue joined* between the parties.

I will then suppose that the defendant denies the facts upon which the plaintiff relies, and sets up other facts by way of set-off or *counter-claim* in his *defence*.

The plaintiff must within three weeks after delivery of the *defence* deliver his reply, in which he may *join issue* on the *defence*, and in the same pleading allege the facts upon which he relies in answer to the *counter-claim* of the defendant. The defendant then delivers his *rejoinder*, in which he may in his turn *join issue* upon the facts alleged by the plaintiff in answer to his *counter-claim*.

Either party may *demur* to any pleading of the opposite party, but when *issue is joined* on the facts alleged on either side, the pleadings are closed and the action is then ready for *trial*.

All natural born subjects between the ages of twenty-one and sixty, who have an income of 10*l*. from land or tenements of freehold, or 20*l*. from leaseholds, or, being householders, are rated to the poor at 30*l*., are qualified to be *jurors*. In Wales the qualification is one-fifth less than the above; but in the City of London no man can serve upon a jury who is not a householder or occupier of a shop or counting-house, and worth 100*l*. a year. A book called the *Jurors' Book* is

kept by the sheriff, in which is entered the names of all qualified persons, and from this he selects the *panel*, or list, which, in obedience to the writ *venire facias juratores*, he sends to the sittings, or assizes, and summons those persons included in it to attend there under pain of a penalty of not less than forty shillings. Thus is formed the *common jury*.

If either plaintiff or defendant wish to have their case tried before a higher class than this, they may demand a *special jury*. The special jury list, kept as before by the sheriff, contains the names of more wealthy persons than the common jury. Formerly only special jurors were paid for their services, at the rate of a guinea a case. They now receive a guinea a day and common jurors half a guinea.

The following persons are exempted from serving on juries: —Peers, judges, clergymen of all denominations acknowledged by law, doctors of laws, advocates, barristers, and solicitors in practice, officers of the army and navy, of courts of law and equity, and of the customs and excise, physicians and surgeons, pilots, persons engaged in laying down buoys for the Trinity House, the household of the Sovereign, sheriffs' officers, parish clerks, and all persons above sixty years of age.

When a cause is ripe for trial, the solicitors for either party make out statements of the facts and circumstances of their cases in writing, which are called *briefs*. They then generally select a queen's counsel or serjeant to conduct the case, and one or more barristers to assist them as *Juniors*, giving each a brief, upon which is marked the fee by which they propose to reward these services. A *Junior* may however conduct a case without a Queen's Counsel or *Leader*, or one junior may lead another, but as a general rule a Queen's Counsel cannot appear without a junior for a plaintiff, although he may for a defendant. The fee of a barrister and a physician is considered in the light of a free gift, or *honorarium*, which cannot be demanded or recovered at law.

A jury of twelve is then empanelled as follows: The names of all the jurors summoned are written each upon a separate piece of paper and put into a box; the officer of the court selects twelve at random, and these form the jury. The judge having taken his seat, and the jury sworn to give a true verdict between the parties, the trial commences. The junior counsel for the plaintiff *opens the pleadings*, stating

the *issue* to be tried; the *leading* or senior counsel then states the facts of the case to the jury, after which the witnesses, by whose testimony it is to be supported, are examined by the counsel for the plaintiff, generally in turn —this is called the *examination in chief*. The defendant's counsel may then *cross-examine* the witnesses as they are called forward, to test the truth of their story, and require them to answer as to such other circumstances as may favour the defendant's case, and explain what they have already stated. Afterwards the plaintiff's counsel may *re-examine* them upon any new facts that may be thus brought out. When all his witnesses have been called (if none are to be examined for the defendant), the plaintiff's counsel *sums up* their evidence to the jury—that is to say, points out the leading facts, and comments upon them. The defendant's counsel then *replies* upon the case, and shows, if he can, that it has failed. If the defendant calls witnesses, they are examined in the same manner as those for the plaintiff have been, *his* counsel having now the right of cross-examination. Counsel for the defendant then *sums up*, and the plaintiff's counsel *replies* upon the whole case. The judge now reads over the evidence on both sides to the jury, and makes such observations upon it as he deems proper, and at the same time he directs the jury as to the law bearing upon the facts of the case. The jury are then desired to consider their *verdict*, which they return either for the plaintiff or defendant; if for the former (supposing that the action is brought to recover compensation for a wrong), stating the amount of damages to which he is, in their judgment, entitled. If the defendant has set up a *counter-claim* the jury may either dismiss it by finding a verdict for the plaintiff on the counter-claim, or they may give a verdict for the defendant on the counter-claim and dismiss the original claim of the plaintiff, or they may find for the plaintiff on his original claim, and for the defendant on his counter-claim, and set off the amounts respectively, the one against the other. If the jury cannot agree in court upon their verdict—and they must be unanimous in returning it—they retire to a chamber apart to consult, and if after the lapse of a sufficient time it appears impossible to agree, they may be discharged by the judge, and the trial has to be begun over again, if the parties cannot contrive to settle their dispute in the meantime.

If either plaintiff or defendant be dissatisfied with the

directions given by the judge to the jury, in point of *law*, or thinks that their verdict has been given contrary to the weight of evidence, he may apply to the divisional court in which the action was brought, to grant him a new trial; or if the case is decided against him by the judge who tried it, or by the court, upon a point of law, he may apply to the High Court of Appeal to reverse the decision, and from them he may appeal to the House of Lords.

Hitherto I have supposed that the defendant chooses to *appear* to the writ; if he does not do so the plaintiff may, by leave of a judge, go on with the action as though he had done so, if he can show that the writ has come to his knowledge; and if the defendant does not deliver his Statement of Defence within a given time, he will be held to admit the claim made against him, and judgment may be signed *by default*. If the amount sued for be ascertained—a debt for example—his goods may be seized to satisfy it; but if what are called *unliquidated damages*, or damages the extent of which have yet to be ascertained, are sought, the plaintiff has to call upon the sheriff to *assess* the damages. The sheriff summons a jury, and holds his court (which is generally presided over by his deputy); the plaintiff proves the amount of damages he has sustained, and the defendant may be heard in reduction of damages. The jury fix what sum is to be paid, and it is recovered according to law. If the defendant refuses or neglects to pay in this, as in any other case in which a verdict or judgment is given against him, his property may be seized by the sheriff under a writ from the court, and sold to raise the required sum, or he may be arrested and imprisoned until he shall have satisfied it, if he has the means of so doing, and neglects or refuses to do so.

The parties may agree to accept the opinion of a judge upon the law and the facts of their case, and when his decision is given, it has all the force of a verdict by a jury. Actions involving mere questions of account, are often referred to some competent person, whose *award* is made a rule of court, and enforced by it.

The costs of the proceedings in an action are in the discretion of the Court, but in actions tried before a jury the costs are generally paid by the party against whom a decision or verdict is ultimately given, but if an action which might have been brought in a county court is brought in

the superior courts for a debt under 20*l.*, the plaintiff will not get his costs unless the judge certifies that it was a proper case to be brought there for trial, or if the judge, for any good cause that shall be shown to him, shall think fit to deprive a successful party of his costs he may do so upon application made *at the trial* of the action. If the action is brought to recover compensation for a wrong—in legal language a *tort*—he must obtain a verdict for 10*l.* to entitle him to costs. Without a certificate or order of the judge if he recovers less than 40*s.* in such an action he is deprived of his costs unless the judge certifies that the wrong was *wilful* and *malicious*, or that the action was brought to try *a right*.

In addition to the sittings held in Westminster Hall, in the district Courts of Record, and at the Assizes for the trial of actions, there are the *County Courts*, which, with a very simple procedure, decide cases in which the sum in dispute does not exceed 50*l.*; but, with the consent of the suitors, an action to any amount, but not of any character, may be tried there. The judge usually decides both upon the law and the facts of the case, unless either of the parties desire to have it tried before a jury, which in these courts consists of five persons.

Such is the *legal* jurisdiction of the County Courts; and by an Act passed in the year 1865, an *equitable* jurisdiction has also been conferred upon them. That jurisdiction is given in all suits by creditors, legatees, devisees, heirs-at-law, or next-of-kin, against or for an account of administration of property not exceeding 500*l.* in value; in suits for the execution of trusts, the property not exceeding 500*l.*; in suits for foreclosure or redemption or enforcing a charge, in property not exceeding 500*l.*; in suits for the dissolution or winding up of partnership, the partnership assets not exceeding 500*l.*; and in some other cases with a like restriction as to the amount. They have also jurisdiction in bankruptcy. A Vice-Chancellor sitting at chambers has, however, the power to make an order transferring the suit to the Court of Chancery.

The judges of the Chancery Division of the High Court of Justice are the Lord Chancellor, who is president, the Master of the Rolls, and the three Vice-Chancellors. Appeals from the decisions of the four latter are heard, first, before the High Court of Appeal, and then before the House of Lords. The

Lord Chancellor is the highest judicial functionary in the kingdom, and superior, in point of precedence, to every temporal lord. It was as the King's Head Secretary or Chancellor that he interfered to correct the hardships or supply the defects of law as administered in the courts of law, and thus founded the system of Equity, as distinguished from law, a system which may now be said to have absorbed the law, since the law is now subordinated entirely to principles of Equity, and assimilated to it in procedure. The Lord Chancellor is appointed by the delivery of the Queen's great seal into his custody. He is a cabinet minister, a privy councillor, and prolocutor of the House of Lords by prescription, and vacates his office with the ministry by which he was appointed. When royal commissions are issued for opening the Session, for giving the royal assent to bills, or for proroguing Parliament, the Lord Chancellor is always one of the commissioners, and reads the royal speech upon the occasion. When the Sovereign opens or closes the Session in person, the Lord Chancellor stands on the right of the throne, and hands to him the royal speech opening or terminating the annual labours of the Legislature. To him belongs the appointment of all justices of the peace and county court judges throughout the kingdom. Being, in the earlier periods of our history, usually an ecclesiastic (for none else were then capable of an office so conversant in writings), and presiding over the royal chapel, he became keeper of the Sovereign's conscience, visitor, in right of the Crown, of the hospitals and colleges of royal foundation, and patron of all the Crown livings under the value of twenty marks *per annum* in the King's books. He is the general guardian of all infants, idiots, and lunatics, and has the general superintendence of all charitable uses. And all this, over and above the vast and extensive jurisdiction which he exercises in his judicial capacity in the Supreme Court of Judicature.

The procedure of the old Courts of Chancery has formed in many respects the model upon which the present system has been based, but the process of the Bill or Petition in Equity was cumbrous and expensive. All suits or proceedings whatsoever are now termed *Actions*, and the procedure in what is now the Chancery Division of the High Court of Justice is the same as that I have already described when writing of the other division. Evidence, however, in the

Chancery Division is more frequently taken by *affidavit* than *vivâ voce*, as it is frequently more convenient in that form, but witnesses may be cross-examined *vivâ voce* in the Chancery Division, and a jury may be summoned if the nature of the facts in dispute should render such a course desirable.

Certain business is expressly assigned to the Chancery Division, of which the following causes are the most important :—The administration of estates of deceased persons, the dissolution of partnerships, and the taking of accounts, the redemption of mortgages, the execution of trusts, the rectification or setting aside of deeds ; the specific performance of contracts relating to real property, and the sale and partition of the same, the wardship and care of infants and their estates.

The judges in bankruptcy administer the law for the protection of unfortunate traders and other persons unable to pay their debts, and for securing to their creditors an equal distribution of their possessions, called their *estate*. It is now considered worse than useless to lock up an insolvent debtor in prison (unless it be by way of punishment for dishonest dealing), when, if free, he might be earning money to pay his liabilities. The Court of Bankruptcy is not included in the Supreme Court of Judicature, but possesses a separate jurisdiction, although presided over by a Vice-Chancellor who is chief judge, and from whose decisions an appeal lies to the High Court of Appeal. The chief judge is assisted in his duties by registrars of the Court of Bankruptcy. In the country districts the County Court judges and the registrars have jurisdiction in bankruptcy, but an appeal lies from their decision to the chief judge sitting in London. Important changes in the law affecting the administration of the estates of bankrupt traders are now in contemplation.

No judge of the High Court of Justice or of the High Court of Appeal is capable of being elected or of sitting in the House of Commons.

LETTER XVIII.

OF CRIMES AND OFFENCES.

Definition of Crimes—Treasons—Felonies—Misdemeanours—Punishments—Costs of Prosecutions—Accessaries and Accomplices—Nuisances—Common Law Offences.

BEFORE I enumerate to you the courts of criminal law and describe their procedure, I will briefly state over what sort of cases they have jurisdiction.

Crimes and offences are acts done, or omitted, in violation of some public law. It is the duty of the head of a State to prevent their commission as far as possible, and to inflict suitable punishment upon those who are proved to have taken part in them; not from a feeling of revenge against the evil-doers, but to make of them examples to deter others from similarly offending.

Offences against the criminal law are divided under three heads: *treasons, felonies,* and *misdemeanours.* The two latter together represent again two divisions of offences—1st, those acts evil in themselves (*mala in se*), forbidden from the first by the revealed law of God, such as murder, theft, and other crimes; and 2nd, those which the spread of civilization has required mankind to provide against (*mala prohibita*), such as coining false money, frauds on the revenue, tampering with signals on railways, &c.

The principal crimes known to the laws, into which it is fit that we should inquire, are as follow:—

High Treason.—This crime now comprises the "compassing, contriving, inventing, or intending death or destruction, or any bodily harm tending to death or destruction; or wounding, imprisonment, or restraint of the heirs and successors of his Majesty King George the Third, the wife of the King regnant, the Heir Apparent;" in "levying war against the Sovereign within the realm," and in "adhering to her enemies, giving them aid or comfort in the realm or

elsewhere." All the other offences made high treason by ancient statutes, such as imitating the Royal Sign Manual or the Great Seal, coining false money, &c., now rank as felonies, punishable by imprisonment and penal servitude. Every person who aids or assists in the case of treason is a principal traitor.

The punishment for high treason is death; the law enacts that the person convicted "shall be drawn on a hurdle to the place of execution, and be then hanged by the neck until such person be dead, and that afterwards the head shall be severed from the body of such person, and the body, divided into four quarters, shall be disposed of as his Majesty King George the Third and his successors shall think fit." The Sovereign, "by warrant under the sign manual, countersigned by a secretary of state, may direct that the offender shall not be drawn, but shall be taken in such a manner as in the warrant shall be expressed, to the place of execution, and that he shall not be there hanged by the neck, but that instead thereof the head shall be there severed from the body whilst alive, and in such warrant direction may be given as to, and in what manner the body, head, and quarters shall be disposed of." Barbarous and disgusting as these details appear, the ancient punishment for high treason was more revolting still.

Treason Felony.—An offence recently created by Act of Parliament, under which rebellion of a character not sufficiently grave to be treated as high treason is punished by penal servitude.

Murder is the taking away of the life of a fellow-creature intentionally, and with *malice.* The punishment for murder is death by hanging.

Manslaughter is the taking away of the life of a fellow-creature *un*intentionally, by accident, in sudden anger, *without malice,* or whilst performing some unlawful act less than a felony—such, for example, as driving furiously. Slaying a person in self-defence is not a crime. As the offence of manslaughter ranges from something very nearly akin to murder, down to mere mischance, to which hardly any blame attaches, so the punishment for it varies from penal servitude for life, down to a nominal imprisonment, according to the circumstances of the case.

Attempting to murder by shooting, poisoning, stabbing, &c. These crimes were formerly *capital,* that is, they were punish-

able with death; but under the Criminal Statutes Consolidation Acts of 1861, the punishment was reduced to penal servitude, which may, however, extend to the period of the culprit's natural life.

Stabbing, shooting, or throwing explosive or corrosive substances upon any person, with intent to disable, maim, or disfigure, or do some grievous bodily harm. Punishment—penal servitude, or imprisonment with hard labour.

Robbery—Stealing from the person with violence, or threats of violence. It is punishable by penal servitude or imprisonment.

Burglary—Breaking into a dwelling-house between the hours of nine at night and six in the morning, with intent to steal therein; or (having committed a felony, or being in a house with the *intention* of committing one) breaking *out* of it between the same hours. It is not necessary that the premises should be actually damaged to constitute this offence. Opening a door or a window that has been closed, is a constructive "breaking" in the eyes of the law. Punishment—penal servitude or imprisonment with hard labour.

Housebreaking—The same offence committed in the daytime. Punishment—penal servitude, or imprisonment with hard labour.

Forgery—Making false bank notes, cheques, signatures, wills, &c., or altering part of a genuine instrument with intent to defraud. Punishment as above.

Uttering the above—that is, attempting to pass them off as genuine, knowing them to be false and counterfeit. Punishment as above.

Bigamy—Marrying again in the lifetime of a wife or husband. Punishment as above.

Piracy—Seizing and stealing from ships at sea; punishable by penal servitude and imprisonment with hard labour.

Arson—Setting fire to houses, buildings, stacks, ships, &c. Punishment—imprisonment with hard labour, or penal servitude. If a person or persons be in the house at the time it is set on fire, the incendiary may be sentenced to penal servitude for life.

Coining—Making false money. Punishment—penal servitude or imprisonment with hard labour.

Larceny—Stealing. When committed by clerks or servants, or from a dwelling-house to the value of 5*l.*, and in some other cases, penal servitude may be awarded; but

unless a previous conviction for another felony be proved against the thief, imprisonment with hard labour is the usual punishment.

Receiving stolen goods, knowing them to have been stolen. Punishment as above.

Embezzlement—The wrongful appropriation by clerks and servants of money or property received by them, in virtue of their employment as such for their master. Punishment—penal servitude, or imprisonment with hard labour.

Rioting—Rioters are punishable by imprisonment with hard labour; or with penal servitude, if they remain together after being called upon by a magistrate to disperse.

Escaping from prison. Imprisonment or penal servitude, according to the offence for which the prisoner was in confinement.

Returning from transportation. Same punishment.

Assisting a prisoner to escape, with many other offences, are *felonies*.

The following are *misdemeanours*:—

Perjury—Taking a false oath. Punishment—penal servitude, or imprisonment with hard labour.

Cheating—Obtaining money or goods by false pretences, or fraud. Punishment—penal servitude, or imprisonment with hard labour.

Assaults—Unlawful attacks upon the person, without the intents before mentioned. Punishment—fine, or imprisonment with or without hard labour.

Conspiracy—Two or more persons combining together for an unlawful purpose, or to carry out a lawful one by *un*lawful means. Punishment—fine, or imprisonment with or without hard labour.

Uttering, or passing base or false coin. Punishment—imprisonment with hard labour; after previous conviction, penal servitude.

Publishing libels against individuals, or blasphemous or seditious statements against religion or government. Punishment—fine or imprisonment, or both.

Poaching—Trespassing in pursuit, and destruction of game; punishable, according to the time and manner in which it is committed, and the number of persons engaged together, by penal servitude, or imprisonment with hard labour.

Gambling—Using false scales and weights—Smuggling—Sending threatening letters, &c., &c.—are misdemeanours

punishable variously, by fine, imprisonment, and penal servitude.

Finally, all *attempts* to commit felonies are misdemeanours. The amount of punishment to be awarded is within certain limits, which I need not lay down, in the discretion of the judge. Not more than two years' imprisonment can generally be given, but penal servitude for life, or any lesser term, can be awarded for serious offences. The punishment of transportation is now abolished, as our colonies are no longer willing to receive convicts, but criminals sentenced to penal servitude may be sent abroad wherever her Majesty, through her Secretary of State, may direct.

The above misdemeanours are of a *public* nature affecting the peace and prosperity of the country, and the honour of its government. In some of them, such as assaults and libels, a double remedy is open to the injured person; he may put the criminal law in motion against his assailant, and have him punished for offending against the law and breaking the peace, and he may bring a civil action against him, and obtain damages for the private wrong done to his person or character. As a general rule, it is, however, advisable to take only one of these courses, as it is not likely that a jury would give heavy damages against a man who had already suffered punishment, or that a judge would pass a severe sentence upon a man who had already been made to pay largely for committing the same offence. But there are cases in which both civil and criminal remedies may very properly be taken, the one to compensate an injured individual, the other to vindicate an outraged law.

The cost of prosecuting persons for having committed any of the misdemeanours or felonies above enumerated, and others which have not been mentioned, is paid by the State out of the Consolidated Fund, whether the prisoner be *convicted*, that is, proved to be guilty, or acquitted.

Persons who combine together for the purpose of committing any offence, and act in concert, are all equally guilty. Thus, if several men conspire to rob a house, and some of them watch outside to prevent surprise, whilst one of their number commits a felony within, they are each and all guilty of his crime. Persons so assisting are *principals in the second degree*.

Accessaries before the fact are such as command or procure a felony to be committed. Those who harbour or assist the

principal felon, by hiding him, or providing him with money or a horse, &c. &c., to escape, are *accessaries after the fact.* Either class may be tried with the principal felon, or by themselves, even although he may not have been brought to trial. But his crime must be proved to have been committed.

Ignorance of the law will not excuse from the consequences of guilt, any one who has capacity to understand it. All persons are presumed to know the law, but infants under the age of seven years are supposed to be incapable of committing a capital offence; and from that age up to fourteen it must appear that they know right from wrong before the law will be put in force to punish them.

Persons of unsound mind are also exempted from punishment, as also are those who act in subjection to the powers of another, for neither can be said to have a will of their own. But the frenzy and temporary insanity produced by drunkenness is no excuse; for this is the consequence of a vice voluntarily indulged in, and not, as in the case of lunacy and madness, the act of God, which no man can prevent.

A married woman who commits a felony (other than murder) jointly with her husband, in his presence, and with his sanction, cannot be convicted, for, in contemplation of law, she always acts under his control. Neither can she be convicted of stealing his goods, for in the eye of the law husband and wife are one; but if she steals them to give to an adulterer, the latter may be convicted if he carries them off or takes possession of them, well knowing at the time that they have been stolen by his paramour from her husband.

There are numerous misdemeanours of a *private* nature affecting the rights of individuals or societies, such as committing or maintaining *nuisances* prejudicial to the health of a man, or of the district in which he lives (such as chemical works), or to his or their repose and morality (such as disorderly gatherings), or to his or their peace of mind (such as keeping large stores of inflammable or explosive substances likely to create a conflagration, &c.), the expenses of prosecuting which must be borne by the parties complaining.

Persons or corporate bodies whose duty it is to make or keep in repair roads, bridges, or buildings, may be indicted for a misdemeanour if they refuse or neglect to do so.

You must understand, however, that although most of the crimes that can be committed are defined and forbidden by Act of Parliament, still a remedy exists at common law for

many offences against public justice, peace, or morality, that may not come within the strict letter of any statute; but no *new* offence can be dealt with under the common law, because, as I have said, it consists only of ancient customs. When a remedy has been provided, or a course of prosecution pointed out, by a statute, the common law yields to it. All statutes which impose penalties must be construed most strongly *against* the Crown and in favour of the subject. No person may be tried or punished twice for the same offence; if it is attempted to do so, he may plead *autrefois convict* (before convicted), or *autrefois acquit* (before acquitted), to the indictment.

LETTER XIX.

OF THE COURTS OF CRIMINAL LAW.

The High Court of Parliament—The Court of the Lord High Steward—The Queen's Bench—Office of Coroner—Of Justices of the Peace—The Assize Courts—The Central Criminal Court—Quarter and Petty Sessions—Jurisdiction of Justices of the Peace and Police Magistrates.

Now that you know the nature of many of the offences that are punishable by our laws, I will show you by what tribunals persons suspected of having committed them are tried.

In the Letter in which I described the constitution of Parliament, I told you that the House of Lords has the right of trying persons impeached by the House of Commons. It has also the privilege, whilst Parliament is sitting, of trying its own members for treason or felony, but not for misdemeanours. A peer accused of any of these offences is tried in the ordinary way before a jury. A bishop, although he sits in the House of Lords, must be tried as a commoner. When Parliament is not sitting, peers may be tried for treason or felony in the courts of the Lord High Steward of England. This office is of great antiquity, but is not filled now, except on special occasions, such as the trial of a peer, for which a person is specially appointed to hold it, and when the business is over he breaks his wand of office, and his functions are at an end. Trials in this court are held before not less than twenty-four peers, including the Lord High Steward, who is the judge. In trials before the Lords in Parliament, a High Steward is also appointed, not as judge, but as a kind of speaker to regulate the procedure.

The Sovereign is supposed to be the judge in these cases, and a majority of peers return the verdict of *guilty* or *not guilty*, not upon oath, but in the words, "*upon my honour.*"

The Court of Queen's Bench, besides its civil, has a very important criminal jurisdiction; in fact, it takes cognizance of all offences, from high treason down to the most trivial assault.

The Lord Chief Justice is the principal coroner of the kingdom, and all its judges are coroners and justices of the peace. It may be convenient here to state how coroners and justices of the peace are appointed, and what duties they have to perform.

The office of coroner is one of great antiquity and importance. He is so called because he has principally to do with pleas of the Crown. There are usually four or six appointed for every county of England They are chosen for life by all the freeholders in the county court. Coroners may be appointed for districts within counties, instead of the county at large; and provision is now made for the election and remuneration of coroners, and their removal for inability or misbehaviour. The Crown and certain lords of franchises, having a charter from the Crown for that purpose, may appoint coroners for certain precincts or liberties by their own mere grant, and without election. In every borough having a separate quarter sessions, a coroner is appointed, with exclusive jurisdiction within the borough.

The office and power of a coroner are either (1) *Judicial*, or (2) *Ministerial*. (1) The *Judicial* duties consist principally in inquiring when any person is slain, or dies suddenly, or in prison, concerning the manner of his death. A jury is empanelled, and inquisition must be found with the concurrence of at least twelve of them. The inquisition must be had *super visum corporis*, for if the body be not found, the coroner cannot sit, except by virtue of a special commission issued for that purpose. If any be found guilty of murder or other homicide by such inquisition, the coroner is to commit them to prison for further trial, and is also to inquire concerning their lands, goods, and chattels, which are forfeited thereby; and must certify the whole inquisition under the seals of himself and jurors, together with the evidence thereon, to the Court of Queen's Bench on the next assizes. Another branch of the coroner's office is to inquire concerning shipwrecks and treasure trove. (2) *Ministerial*. He is the sheriff's substitute in executing process, when the sheriff is interested in the suit, or of kindred to either plaintiff or defendant.

Justices of the peace are gentlemen appointed by the special commission of the Sovereign, at the recommendation of the Lord Lieutenant of their county, to assist in the administration of the law. They must have a qualification of the value of 100*l.* a year, arising out of landed estate. Certain persons, however, such as justices of corporations, peers privy councillors, judges, and others, are privileged to act without such qualification. Their duty is to preserve the Queen's peace by committing to prison any person actually guilty of a breach of the peace, and to bind over to be of good behaviour such as are suspected of being about to become so; also to prevent and suppress riots and affrays, by apprehending disorderly persons; and they have to administer the law at general and petty sessions, as will be seen hereafter. They discharge these services without any fee or salary.

The courts of *Oyer* and *Terminer* and *general gaol delivery* are those which are held upon circuit in every county, before the judges of assize, and commissioners appointed to assist them.

It has already been stated that the judges and commissioners of assize sit under five distinct commissions; two of these, which relate to the discharge of their civil jurisdiction, have already been described. The remaining three give them power to act in criminal cases and are—3rd, *the commission of the peace;* 4th, of *oyer* and *terminer;* and 5th, *general gaol delivery.* The duty of a justice of the peace has been lately laid down. The commission of *oyer* and *terminer* authorizes the person named in it to inquire, hear, and determine all treasons, felonies, and misdemeanours; and that of *general gaol delivery,* to try and deliver every prisoner who shall be in the gaol when the judges arrive in the circuit town, no matter by whom they are indicted, or of what crime they are charged.

The Central Criminal Court is the most important criminal tribunal in this country, as well from the authority of the judges who preside there as from the number and magnitude of the crimes which are tried before it. It was erected in 1834, and consists of the lord mayor, the lord chancellor, the judges of the three superior courts at Westminster, the judges in Bankruptcy, the judges of the Admiralty, the dean of the Arches, the aldermen, recorder, and common serjeant of London, the judges of the Sheriff's Court, and

any person who has or shall have been lord chancellor, a judge of any of the superior courts at Westminster, or who may be thereafter appointed by general commission of the Queen. To this court Her Majesty may issue commissions of Oyer and Terminer, and Gaol Delivery, for the trial of all cases of treasons, murders, felonies, and misdemeanours. The court sits at the sessions house in the Old Bailey; and there are at least twelve sessions held in every year, at times fixed by any eight of the judges at Westminster. During every session two of the judges of the superior courts at Westminster preside in this court for the purpose of trying the more important offences. The remainder are tried by either the recorder or common serjeant, or a judge from the Sheriff's Court, commissioned for that purpose; on every occasion the lord mayor or some of the aldermen being also present on the bench.

The Assize Courts, Central Criminal Court, and Court of Queen's Bench, have power to try all treasons, felonies, and misdemeanours, committed or removed for trial within their jurisdiction.

The courts of quarter sessions of the peace have a limited jurisdiction. They are restrained from trying all capital offences, and many others. Thieving, unaccompanied with violence; obtaining money or valuables under false pretences; attempts to commit felonies, indictments against nuisances, and for the non-performance of public duties; offences relating to game, highways, alehouses; the settlement and provision for the poor; disputes between masters, their apprentices, and servants, are the class of cases usually heard and decided before them.

The courts of quarter sessions in counties are held before the justices of the peace, whose chairman presides. In some populous counties a barrister of standing and experience is appointed to that post by the justices, and receives a salary for his services. In cities and boroughs the recorder is the judge. As their name implies, these courts are held quarterly, but in places where the business to be transacted is considerable, they sit by adjournment at intervening periods.

Lastly, we have the courts of petty sessions, which, in country places, are held before two or more justices of the peace, and in populous towns are presided over by a stipendiary magistrate, who must be a barrister of a certain standing, and who receives a salary for his services. The first

proceeding in all criminal cases, except high treason, takes place in these courts. They have power to deal with many cases of a trivial nature summarily—that is, to dispose of them by punishing or discharging the accused upon their own responsibility. The graver class of criminals they commit for trial to the assizes or the sessions, according to the nature of the charge made against them. Persons suspected of high treason are generally examined before a Secretary of State, and committed for trial or discharged by him.

It is not necessary to trouble you with the constitution and practice of other courts of a criminal jurisdiction, which are seldom resorted to. My object has been to give you a concise and practical view of the machinery of our criminal law, and this is comprised, to all useful intents and purposes, in the courts which I have mentioned.

LETTER XX.

OF THE PRACTICE OF THE CRIMINAL LAW.

Conduct of Public Prosecutions—Arrest of Prisoners by the Police—Examination before Magistrates—Committal or Discharge of Prisoners—Indictments—Office of the Grand Jury—Trial—Challenges of Jurors—Proceedings at Trial—Court of Criminal Appeal—Pardons.

We have no official charged to institute and conduct the legal proceedings against suspected persons. Most Continental states have a *Public Prosecutor* appointed by government, and charged to put the criminal law in operation; and very many persons are of opinion that we ought to have such a functionary in England. It is urged that we have no security that every offender is brought to justice; and that some may escape, owing to the proper steps not being taken for their apprehension. Further, that others, by intimidation and bribes, may induce the persons they have injured to defeat justice by absenting themselves at the trial. The trial itself, too, may be conducted in such a slovenly manner as to result in a verdict of acquittal. There is much truth in this; but I am by no means sure that the appointment of a public prosecutor would lessen the occurrence of these possible evils. When once information is given of the commission of a crime, he is a clever man, indeed, who can elude for any length of time the vigilance and perseverance of our detective police. No public prosecutor could prevent a witness being bribed; and as to the conducting of cases in court, I think that as our bar is constituted—every man vying with his fellow for practice, and striving to distinguish himself—it may be better relied upon for properly managing criminal prosecutions, than any set of officials secure of a position and its stipend. In every town where there is a bench of magistrates, there are attorneys who act as their clerks, and get up the evidence against

persons committed for trial, and instruct counsel to prosecute. They are paid according to the number of cases entrusted to them, and it is to their interest, of course, that every complaint should be investigated. In large towns, such as Manchester, Liverpool, Birmingham, &c., there is an attorney specially appointed by the corporation to attend to all prosecutions. These are, in point of fact, public prosecutors, and, as far as I can judge, no reflection can be cast upon the way in which they manage their business, or select counsel to conduct it.

In the first instance, the police are practically public prosecutors. They apprehend persons in the commission of crime, receive information of offences that have been done in secret, and collect evidence.

Justice, whether it be in criminal or civil cases, is administered in public, and the latter always in presence of the accused parties. A prisoner must be brought before a magistrate upon the earliest opportunity after his capture. The evidence tendered against him is heard, taken down in writing, and signed by the witness who gives it. This is called his *deposition*, and the prisoner, if committed for trial, has an absolute right to a copy of this on paying a small fee for making it out. If the evidence is not complete at the first hearing, but enough is given to raise a strong presumption against the prisoner, the magistrate has the power of "remanding" him, or sending him back to prison for eight days, whilst further proofs are being collected, or of taking "bail" for his appearance to answer the charge. To be admitted to bail, a prisoner must get two or more householders to be bound to bring him forward when required, on pain of incurring a penalty fixed by the magistrate, in case they should fail to do so. Sometimes the prisoner's promise, under a penalty, to appear, is taken as sufficient. When all the evidence that can be obtained is collected, the accused is either summarily convicted and sentenced, or committed for trial to the assizes or sessions, where the witnesses and nominal prosecutor are bound over to appear against him; but when the evidence is insufficient to substantiate the charge against him, the prisoner is discharged. After committal for trial, the depositions are sent to the proper officer of the court in which the prisoner is to be tried, and there the "indictment" is prepared and written upon parchment. The indictment is a statement in legal language of the offence

for which he has to answer, and in former days much exactness and technicality were required in its wording. The slightest error in stating the offence alleged, or the name or surname of the prisoner or prosecutor, or in describing the property stolen, was sufficient to render it invalid, and the prisoner escaped. Recent alterations in the law, however, have made it much more simple, and any mistakes, such as are not calculated to mislead the accused, or prejudice him in his defence, may be amended by order of the court. The proceedings in trials at assizes and sessions are almost identically the same.

The day for holding them having arrived, a grand and a petty jury are summoned by the sheriff of the county exactly as in civil cases; the jury for criminal and civil trials being taken indifferently from the same panel. The indictments are laid before the *grand jury*, which consists usually of thirty persons, selected from amongst the magistrates and principal gentry in the county, who possess the qualification required of a justice of the peace. They examine only the witnesses in support of the charges against the prisoner, to see if there be a sufficient ground to justify his being put upon his trial. If a majority of twelve agree that there is one, their *foreman*, the principal person on the jury, writes "a true bill" upon the indictment. If, on the contrary, no sufficiently strong case appears, he writes "no true bill" upon it, and in some counties cuts it across, and the prisoner is entitled to be liberated if there be no other charge against him. All the indictments are brought by the grand jury from the room in which they discharge their duties into open court, and there their decision of "true" and "no true bill" on each is read out. Those prisoners against whom true bills are returned are then assembled in the dock, the indictment is read over to each by the officer of the court, and he is asked if he pleads "guilty" or "not guilty" to the charge. This is called "arraigning" the prisoners. Those who plead "guilty" have sentence passed upon them at once, and those who plead "not guilty" are brought up in turn to be tried before the petty jury.

A good deal of misapprehension appears to exist as to the meaning of the plea "guilty" or "not guilty." I have heard officers of the Court ask prisoners, "*Are you* guilty or not guilty?"—a question which is utterly illegal (as a prisoner is bound to plead, but not to criminate himself);

and some worthy clergymen attached to our gaols seem to imagine that one who *pleads* "not guilty" to an offence which he has committed, adds a falsehood to his crime. This is not so. The plea of "not guilty" merely means, Try me. In their legal sense, the words *plea* and *pleading* do not mean the arguments on one side or the other which are put forward at a trial, but the statements which form the issue to be tried.

Formerly if a prisoner refused to plead he was sentenced to endure *penance*, or the *peine forte et dure*. He was taken into the prison, laid upon his back in a low, dark chamber, and weights of iron as heavy as he could bear, were placed upon his chest. He was allowed for food three morsels of the worst bread upon the first day, and three draughts of the stagnant water that was nearest the prison door upon the second. Thus his daily sustenance was alternated, and thus he was kept, the weights upon his body being increased every day, until he *died*, or (as the ancient judgment ran) till he *answered*. It was only by the statute 12 Geo. III. c. 20, that this barbarity was put an end to.

Now, if a prisoner refuses to plead, a jury is empanelled to try whether he stands "*mute of malice*," or "*by the visitation of God*"—that is, if he be merely vexatiously silent, or incapable of answering by reason of being deaf or dumb, or of unsound mind. If a verdict to the former effect is returned, a plea of "not guilty" is entered for him, and the trial proceeds; if the latter, the trial is postponed, and the prisoner sent to some asylum, from whence, should he recover his senses, he may be brought up again and tried.

It is not absolutely necessary that an accused person should be brought before a magistrate and committed before he can be indicted, although that is the most ordinary and proper course. An indictment may be preferred without his knowledge, and a "Bench Warrant" for his apprehension may be obtained from the presiding judge at assizes or sessions. By this means he loses the fair advantage which the law allows, in giving prisoners a copy of the depositions of the witnesses about to be examined against them; consequently it is a course which should not be adopted except upon extreme occasions, and one which has always of late years found disfavour with our judges, as being a proceeding by means of which the law may be employed by designing individuals as an engine of extortion or revenge.

An ordinary indictment for stealing is in the following form :—

**Kent*, to wit—

"*The jurors for our Lady the Queen upon their oath present, that John Smith* (the prisoner), *on the first day of May, in the year of our Lord one thousand eight hundred and fifty-eight, one gold ring and one box, of the goods and chattels of James Brown, feloniously did steal, take, and carry away, against the peace of our Lady the Queen, her crown and dignity.*"

Any number of prisoners may be charged in one indictment with an offence in which they have all been participators. Only one felony may be charged in one indictment —that is to say, you cannot indict a man for murder and burglary at once; but any number of misdemeanours may be included, and any number of indictments for distinct felonies may be brought in against one prisoner; and three acts of stealing, if committed within six months, from the first to the last, may be charged in the same indictment.

Persons may also be tried, as we have seen, upon a coroner's inquisition, without the intervention of a grand jury; and likewise upon an instrument filed by the Attorney-General, called an *ex officio* information, and upon an information filed by the Master of the Crown Office. The former process has fallen into disuse and is seldom employed; the latter lies only for misdemeanours, and the accused person is always given an opportunity of showing cause why it should not be issued against him. Informations of either sort are tried in the Queen's Bench.

When a convenient number of prisoners have pleaded, the officer of the court addresses them thus :—

"*Prisoners, these good men that you shall now hear called are the jurors who are to pass between our Sovereign Lady the Queen and you upon your trials; if therefore you, or either of you, will challenge them, or either of them, you must challenge them as they come to the book to be sworn, and before they are sworn, and you shall be heard.*"

* Or whatever the county in which the offence was committed happens to be.

The officer then proceeds to call twelve jurors from the list of those summoned, called the "panel," calling each juror by name and address. The jury then stand up in the jury-box, and are sworn one by one, and before the oath is administered, the prisoner may "challenge" or object to the serving upon his trial of any person there present.

Challenges are of two kinds—1st, to the *array*, when exception is taken to the whole number empanelled; and 2ndly, to the *polls*, when individual jurymen are objected to. They are divided again into challenges *peremptory*, for which no cause is stated, and *per causam*, when a reason is given. Both kinds of challenge may be made either on behalf of the Crown or the person about to be tried. For high treason thirty-five peremptory challenges may be made; in all other felonies the limit is twenty. In cases of misdemeanour there is no peremptory challenge. If the panel be exhausted by challenges of the prisoner and the Crown, or either, before a full jury has been obtained, the practice is to call over the whole panel again, but omitting those peremptorily challenged, and then, as each juror again appears, whichever party challenges must show cause for his objection.

Challenges for cause are either to the "array" or to individual jurymen. To the array, if the sheriff be supposed to have made an unjust panel; to the individual, when he is supposed to be actuated by ill-feeling or favour towards the prisoner whom he is to try. If the cause be disputed, two *triers* are appointed, who hear the evidence and decide upon oath whether the panel is improper, or the juror impartial.

When a full jury have been sworn, if the trial takes place at the assizes or the Central Criminal Court, the crier makes proclamation in the following form:—

> "*If any one can inform my lords the Queen's Justices, the Queen's Attorney-General, or the Queen's Serjeant, ere this inquest be taken between our Sovereign Lady the Queen and the prisoners at the bar, of any treasons, murder, felony, or misdemeanours, committed or done by them, or any of them, let him come forth and he shall be heard, for the prisoners stand at the bar upon their deliverance. God save the Queen.*"

The officer of the court then calls the prisoner about to be tried to the bar, and says :—

> "*Gentlemen of the jury, the prisoner stands indicted by the name of A. B., for that he* [and so on, stating an abstract of the indictment, to the end]; *upon this indictment he has been arraigned, and upon this arraignment he has pleaded that he is not guilty, and so for trial has put himself upon his country, which country you are. Your charge, therefore, is to inquire whether he be guilty or not guilty, and to hearken to the evidence.*"

This is called "giving the prisoner in charge to the jury."

There are some old formalities connected with the arraigning of prisoners which have been permitted to fall into disuse, but which it may be interesting to mention as they form almost the only authority that we have for some important principles.

The first step in arraigning a prisoner used to be to order him to hold up his right hand. This was done first to mark him out from his companions in the dock, and second, to see if he had been burned in the hand for a previous offence (on which account he would lose the *benefit of clergy*),* but *indirectly* it establishes the principle that a prisoner on trial *must not be bound in the dock;* for if he were, how could he raise one hand?

In many foreign countries a man may be tried and condemned in his absence. What have we to show as proof that this cannot be done here? Nothing except custom, and the old form of giving a prisoner in charge to the jury, which used to commence with the words, "Jury, *look upon* your prisoner—prisoner, *look upon* your jury."

The prisoner having been given in charge to the jury, the trial then commences. The counsel for the prosecution states the case against the accused to the jury, and calls the witnesses to support it. The prisoner, or his counsel, if he has one, may cross-examine them, and at the close of the case for the prosecution may address the jury in his behalf. And here I must impress upon you the difference of the proof

* In ancient times, persons who could read were entitled on their trial to claim *benefit of clergy,—i.e.*, that they were ecclesiastics; upon which they were branded upon the thumb, and discharged. This privilege was only finally abolished in the reign of George IV.

required between the parties in a civil and in a criminal case. In the former the dispute is between subject and subject, and the object is to obtain all the facts in the readiest manner. Both sides must give evidence, or it will be presumed that what one deposes to must be true because it is not refuted by the other. In a criminal case it is vastly different. All the power of the State is employed against the accused; the Crown is prosecutor, and has unlimited sums of money and resources at its command, to collect evidence, secure the attendance of witnesses, and to obtain men of the highest rank at the bar to conduct the case. Therefore, as the first object of the law is to protect the weak against the strong, it throws every possible shield around the accused against the abuse of power. He is not bound to criminate himself; it is for the prosecution to prove his guilt, not for him to prove his innocence. He may not be heard upon oath to contradict, or explain, what has been deposed to by his prosecutors; therefore the case against him must be made out beyond any doubt such as would occur to the mind of a reasonable man, or he is entitled to his acquittal.

The direct contrary of these wholesome provisions appears to prevail in many continental States. There, the prosecution starts with the assumption that the prisoner is guilty, and calls upon him to prove his innocence. He is cross-examined by his judges with a view of getting him to make admissions from which his guilt may be inferred. Poor and ignorant as the great majority of those accused of crime in all countries are, it is an easy task for a practised mind to wring from the most guiltless person, by this process of mental torture, some contradiction or equivocation that may condemn him. Every act of his life is raked up against him, and it is sought to prove that he committed the offence for which he is being tried, by showing that at some other time he was found guilty of something that has nothing whatever to do with it. Worst of all, he may be tried and convicted in his absence upon a charge of which he may be utterly ignorant. The cruelty and bad policy of a system which shuts out reformation to the convict, is apparent. Our law is more just and logical. It does not seek to find a man guilty of murder because, when a boy, he stole apples; but our neighbours across the Channel would gravely state that fact in the indictment. They prove previous convictions against the prisoner at the *outset* of his trial. We allow them to be

mentioned only after it is concluded. With us a jury are sworn to give a true verdict *according to the evidence*, and none is admitted that does not directly bear upon the issue to be tried. I have no doubt but that you have heard it complained of that some crafty fellow has escaped punishment by a mere *quibble of law*, but you never hear how that same "quibble" may have protected innocent persons from untrue and malicious charges. Better, say I, that a hundred criminals should escape—they are sure to get their due some day—than that one honest man should suffer.

It is not necessary that a prisoner should be *seen* to commit a crime before he can be convicted of it. There are presumptions of fact, upon which jurors are justified in deciding; for example, if a man be found near the place where a murder has been committed, with his hands stained with blood, having in his possession a weapon such as might have been used to do the deed, a jury would no doubt find him guilty, unless he could explain away these circumstances. Or, if a person be discovered in possession of stolen goods, immediately after they have been stolen, and fails to give a reasonable account of how he came by them, the natural conclusion must be that he is the thief.

I will now return to the proceedings at a criminal trial. The case for the Crown having been closed, the presiding judge asks the counsel for the defence (supposing there be one) whether he intends to call witnesses on behalf of the prisoner. If he reply in the negative, the counsel for the prosecution sums up his evidence; and the prisoner's counsel then addresses the jury. If, on the contrary, witnesses are called for the defence, the counsel for the prosecution does not sum up his evidence, but has a general reply at the close of the case; the prisoner's counsel having the right previously to sum up the evidence he has adduced. When the Attorney-General appears in a criminal case, he has a right to reply, whether evidence be given for the prisoner or not. No Queen's Counsel may accept a brief to defend a prisoner without a licence from the Crown, to obtain which a fee must be paid, of course by the person requiring his assistance. The reason for this rule is, that Queen's Counsel must all hold themselves in readiness to act for the Crown, and may be called upon at any time to conduct the prosecutions taken in her Majesty's name.

When both sides have been heard, the presiding judge

sums up the evidence to the jury, who return a verdict of "guilty" or "not guilty," according to the evidence. If the former, the prisoner is sentenced according to law; if the latter, he is discharged. The same rule which governs civil proceedings prevails; the judge lays down the law, and the jury decide upon the facts. If a legal question of sufficient difficulty arise, the judge "reserves the point" for the consideration of the Court of Criminal Appeal, which is composed of all the superior judges; and pending their decision, according to circumstances, the prisoner is remanded or admitted to bail.

The result of the trial is entered on the indictment which forms the "record" of the case. If a substantial defect appear in this, what is called a "writ of error" may be obtained, with the consent of the Attorney-General, which is granted as a matter of course. The prisoner then appears in person in the Court of Queen's Bench and "assigns error"—that is, states formally in writing the mistakes upon which he relies, and demands to be acquitted. The Attorney-General makes "joinder in error," denying that the record and proceedings are faulty; the question comes on for argument, and the judgment is either affirmed or reversed, according to law.

No new trial can be obtained upon a mistake in *fact*, even if it be clearly ascertained after the trial that the witnesses on either side have been guilty of perjury, or have been mistaken, or that others can be brought to prove or disprove any doubtful particular. If it appear that the prisoner has been wrongly convicted, the royal prerogative of pardon is exercised, and he is released. If, on the other hand, he be wrongfully acquitted, there is no resource, for, as I have told you, no person can be tried a second time for the same offence. You will easily perceive that this is a great defect in our law; it is but a poor consolation to a person who has been proclaimed a felon in open court to receive in secret, through the post, a pardon for a crime he has never committed. The pardon should, at any rate, be granted as publicly as the sentence was pronounced.

LETTER XXI.

THE LAW OF EVIDENCE.

Conditions of Evidence—Parol—Verbal—Direct—Circumstantial—Primary and Secondary Evidence.

You now know how civil and criminal trials are conducted; but there is a very important subject respecting which I must give you some information before I conclude—that is, the law of evidence, which regulates what sort of testimony may or may not be received.

Evidence is proof, either written or unwritten, of allegations in issue between parties. The leading rules which tend to the discovery of this proof, are:—

(1) To ascertain the truth of the several disputed points in issue; and no evidence ought to be admitted which is not relevant to the issues.

(2) The point in issue is to be proved by the party who asserts the affirmative. But where one person charges another with a culpable omission of duty, this rule does not apply, for the person who makes the charge is bound to prove it, though it may involve a negative, since it is one of the first principles of justice, not to presume that a person has acted illegally till the contrary is proved.

(3) It is sufficient to prove the substance of the issue.

(4) The best evidence must be given of which the nature of the thing is capable. The exceptions to this rule are:—(*a*) where it is necessary to prove an entry in a public book, the original need not to be shown; but from a principle of general convenience, an examined copy will be admitted; (*b*) in the case of all peace-officers, justices of the peace, constables, &c., it is sufficient to prove that they acted in these characters, without producing their appointments; (*c*) an admission of a fact by a party to a suit has, in many cases, been considered sufficient to dispense with strict and regular proof which would otherwise have been necessary.

(5) Hearsay evidence of a fact is not admissible. The exceptions to the rule excluding hearsay evidence are the following:—Death-bed declarations; hearsay evidence in questions of pedigree, public right, custom, boundaries, &c.; also, old leases, rent-rolls, surveys, &c., have been received in favour of persons claiming under the lessors; declarations against interest; rectors' and vicars' books as to the receipt of ecclesiastical dues in favour of their successors; and also entries in the books of a tradesman by his deceased shopman, have been admitted as a proof of the delivery of goods.

Evidence is of two kinds—*parol*, or verbal, and *written*. These, again, are divided into *primary* and *secondary* evidence.

Parol evidence is that which is given by word of mouth by witnesses.

It is a general rule that oral evidence is in no case to be received as equivalent to, or as a substitute for, a written instrument, where the latter is required by law, or to give effect to a written instrument, which is defective in any particular essential to its validity; or to contradict or vary a written instrument, either appointed by law, or by the compact of private parties, to be the authentic memorial of the facts which it recites; for by doing so, oral testimony would be admitted in the place of a species of evidence decidedly superior in degree. But parol evidence is admissible to defeat a written instrument on the ground of fraud, mistake, &c., or to apply it to its proper subject, or in some instances to explain the meaning of doubtful terms.

The general rule with regard to the admission of parol evidence to explain the meaning of a deed, is, that it shall not be admitted except: (1) where, although the deed is clearly enough expressed, some ambiguity arises from extrinsic circumstances; (2) where the language of a charter or deed has become obscure, and the construction doubtful from antiquity; (3) where the grant appears uncertain, owing to a want of acquaintance with the grantor's estate; (4) where it is important to show a different consideration consistent with that stated in the deed itself; (5) where it becomes necessary to show a different time of delivery from that at which the deed purports to have been made; (6) where it is sought to prove a customary right not expressed in the deed, but which is not inconsistent with any of its stipulations; or, lastly, where fraud or illegality in the formation of the deed is relied on to avoid it.

Parol evidence is usually given upon oath ; and formerly Quakers, Moravians, and others who are forbidden by their religion to take one, although they might give evidence upon affirmation in a civil action, were incompetent to give testimony in a Criminal Court. But this distinction is now abolished, and persons who have conscientious objections to being sworn may make an affirmation that what they are about to say is the truth ; after which their evidence is admitted. It is a general rule that persons must be sworn in the manner most binding upon their conscience. Thus, the Christian is sworn upon the New Testament with his head uncovered ; the Jew upon the five books of Moses, with his hat on ; the Mahometan upon the Koran ; the Hindoo by the river Ganges ; the Chinese by breaking a saucer, and praying that he may be similarly destroyed if he be guilty of a falsehood. Idiots, lunatics, and children who do not understand the nature of an oath, cannot be admitted to give evidence.

Husband and wife may not be witnesses for or against each other in criminal cases, except when a charge of bigamy is to be proved, and in some cases where the wife accuses her husband of having injured her or deprived her of her liberty.

Prisoners upon their trial may not be examined upon oath upon their own behalf, but if several persons be jointly indicted, any one of them may be called as a witness either for or against his co-defendants, excepting only in those few cases where the indictment is so framed as to give him a direct interest in obtaining their discharge. Evidence may be given by persons who have been previously convicted of crimes, but such testimony is always received with suspicion. Witnesses may only state what they know of their own knowledge ; what they have heard from others is not evidence, because its accuracy depends upon the truth of the speaker, and he is not upon his oath. But if the person to whom the words related was within hearing, and had an opportunity of contradicting them and did not do so, then the person who heard what was said may give it in evidence, for the silence of him to whom it related is considered as an admission that it was true. The *best* or *primary* evidence must always be given. Thus, the contents of a written document may not be heard upon *parol*, or a copy of it admitted, because the document itself provides the best

evidence of what is stated in it. But if it be a writing such as from its position cannot be brought into court—an inscription upon a wall for example—a verbal account of its contents or a drawing of it may be admitted. In *pedigree* cases, and some other, in which *reputation* is the only proof that can be given, *hearsay* or *secondary* evidence may be given. Thus, entries in old Bibles, recitals in deeds, dates and particulars on ancient coffin-plates, &c. &c., are received as evidence.

Written evidence is proof by the production of written records or documents.

An examined copy of, or extract from, many papers of a public character may be admitted to prove a fact; and if such as are of a private nature happen to be in the custody, or under the control, of the adverse party, upon giving him *notice to produce it*, and his neglecting or refusing to do so, a copy or counterpart may be used as secondary evidence, or part testimony may be given of its contents.

Evidence thus composed is either *direct* or *circumstantial*. Direct evidence is such as plainly proves that a person did or said something. Circumstantial evidence is a combination of circumstances from which it may be inferred that he did so. I have already given you some instances of this latter kind of proof in my Letter upon the criminal procedure. The former requires no description. The admissibility or non-admissibility of evidence is a question for the judge. Its value in determining the issue, remains for the jury to consider.

I have given you but an imperfect outline of this important subject in the space which is left me. Half the discussions in our courts turn upon the law of evidence, and its study is one of the principal labours of those who follow the legal profession. But I trust, however, I have said enough to make you understand what is meant when you hear some statement which to the uninitiated may appear to be conclusive proof, objected to in a court of justice as *not being evidence.*

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